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THE WORKS

OF

ARCHBISHOP LAUD.

LONDON:
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THE

WORKS

OF THE

MOST REVEREND FATHER IN GOD,

WILLIAM LAUD, D.D.

SOMETIME LORD ARCHBISHOP OF CANTERBURY.

VOL. IV.

HISTORY OF TROUBLES AND TRIAL, &c.

OXFORD:
JOHN HENRY PARKER.
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NOTICE.

THE present volume contains the remaining portion of the Archbishop's History, including the narrative of his Trial, day by day. There will be found in the notes, besides the usual biographical notices, very large extracts from the Journals of the Houses of Lords and Commons, either illustrative and confirmatory of the Archbishop's statements, or else carrying on more minutely than he was able to do, the details of his history, towards its melancholy close.

The remainder of the volume contains the following additional documents: (1) A fuller account of the Archbishop's death, from Rushworth and Heylin; (2) his dying Speech; (3) his last Will and Testament, reprinted from the edition published by John Bruce, Esq., in his account of the Archbishop's Berkshire benefactions; (4) illustrative extracts from the Conference with Fisher, and other books referred to in the preceding History; (5) Rome's Master-Piece.

All these, with the exception of the more complete edition of the Will, are simple reprints of Henry Wharton's edition.

THE HISTORY

OF

THE TROUBLES AND TRIAL

OF

ARCHBISHOP LAUD.

CAP. XIV.

St. Leonard's, Foster-Lane, London, is in the gift of the Dean and Chapter of Westminster. Mr. William Ward the Incumbent had resigned, and besides was censured by a Committee in Parliament, for innovations, and I know not what[a]. One Mr. George Smith was tendered (it seems) to the Dean and Chapter of Westminster. How things were carried there, I know not; but they let their living fall in lapse to the Ld. Bishop of London. His six months likewise were suffered to slide over, and the benefice was lapsed to me, as Archbp. of Canterbury, about March the 3d. In all this time Mr. Ward had not the providence[1] to seek to the King for remedy, or to the original patrons, whose presentation at any time before the Bishop had filled the Church, was (as I am informed) good in law. Mart. 3, 164$\frac{2}{3}$.

This benefice being now in my dispose, the precise part of the parish petition the Parliament for the aforesaid Mr. George

[1] 'prudence'

[a] [Ward had given offence to the Parliament by having denounced the Scots as traitors in a *concio ad clerum* at Sion College. He retired to Oxford on his sequestration, where it is said he died for want. (Lloyd's Worthies, p. 508.)]

Smith; and by the means of my Lord Kimbolton[b] (a great patron of such men) obtain this Order following:—

"*Die Jovis*, 17 *Martii*, 1641.

"Upon the reading of the Petition of the parishioners of St. Leonard's, Foster-Lane, London, it is ordered by the Lords in Parliament, that Mr. George Smith, elected and approved by the Dean of Westminster, and the parishioners of St. Leonard's, Foster-Lane, be especially recommended to the Ld. Archbp. of Canterbury his Grace from this (86) House, that the said Mr. Smith may be forthwith presented to the parish church of the said St. Leonard.

"JOHN BROWN, *Clericus Parliament.*"

Mar. 19, 164$\frac{2}{3}$. This order was brought me by the Churchwardens, and some of the parish, on Saturday, March 19. I was sorry for the honest Incumbent's sake, Mr. Ward; and troubled in myself to have such an order sent me: especially, considering that the Lords' former order[c] (though, as I was[1] informed, against all law, yet) was so moderate as to suffer me to nominate to benefices, so that the men were without exception. I put them off till Monday. In the meantime I advised with my learned counsel, and other friends. All of them agreed in this; That it was a great and a violent injustice put upon me; yet in regard of the time, and my condition, they persuaded me to give way to their power, and present their clerk.

Mar. 21, 164$\frac{2}{3}$. On Monday, Mar. 21, they repaired to me again: I sent them to my Register, to draw a presentation according to the Order of Parliament, and advised them while that was in drawing, to send Mr. Smith to me. One of them told me very boldly, that it was not in the Order of Parliament, that Mr. Smith should come to me; and another told me[2] that Mr. Smith would not come to me. Upon this unworthy usage of me, I dismissed them again, having first, in obedience to the order, sealed and set my hand to the presentation, ready for delivery when Mr. Smith came for it.

[1] ['was' originally written 'am'] [2] ['told me' on opposite page.]

[b] [Edward Montagu, the eldest son of the Earl of Manchester.]

[c] P. 81 [of original MS. See vol. iii. p. 451.]

The next morning these men repair again to the Lords' House, and on Wednesday, Mar. 23, procure another order [d], strictly commanding me forthwith to deliver the presentation to the parishioners [1]. Mar. 23, 1643.

This order being settled, the E. of Holland [e] made a motion, and put the Lords in mind that I lay under a heavy charge, and had long lain so: that it would be honourable for the Parliament to bring my cause to hearing, that so I might receive punishment if [2] I were found to deserve it [3], or otherwise have some end of my troubles. There was a great dispute among my friends, *quo animo*, with what mind this Ld. moved it, especially then, when almost all my friends in both Houses were absent. Howsoever I took it for the best, desiring nothing more than an end; and therefore sent a gentleman the next day to give his Lp. thanks for his nobleness in remembering me. And if he did it with an ill mind, God forgive him, and preserve me. But whatsoever his Lp.'s intent was, his motion, after some debate, begat a message to the House of Commons, to ripen my business [f]; but it died again, and nothing done.

The order last above written, concerning Mr. Smith, the parishioners brought to me the same day in the afternoon. It happened that the L. Primate of Armagh [g] was then with me. I showed him the order, and he blessed himself to see it; yet advised me to obey, as my other friends had done. I further desired him to stay and hear my answer to them, which was this: That I knew not what report they had made

[1] [A passage is here erased, of which only the first few words are legible, 'The Ld. Kimbolton saying Mr. Smith']

[2] ['receive . . . if' on opposite page.]

[3] ['it,' interlined.]

[d] ["Ordered, that the Lord Archbishop of Cant. shall forthwith confer the presentation of St. Leonard's, Foster Lane, according to a former order of this House, dated the 17th of this instant March, upon Mr. George Smith, Clerk, and that his Grace shall forthwith deliver the said presentation unto the Churchwardens or parishioners of that parish."]

[e] [Henry Rich.]

[f] ["It was moved, That considering the power which the Archbishop of Cant. hath in ecclesiastical matters, whereby the Church is still troubled, notwithstanding his imprisonment in the Tower of London, that the House of Commons might be sent to, to be desired that they would proceed to make good their impeachment of high treason against him, that so he might receive judgment according to his demerit; and likewise to move the House of Commons, that they would proceed against the rest of the delinquents with what conveniency they may."]

[g] [James Ussher.]

of me and my obedience to the Lords; and that therefore I would give their Lps. in writing an account of my proceedings[1]; but would deliver the presentation to Mr. Smith when he came. The Ld. Primate cried shame of them to their faces; so they went away.

Mar. 24, 1642. On Thursday, March 24, in an humble petition I informed the Lords how ready I was to obey; only desired that Mr. Smith might come to me, that I might see his orders, and examine his sufficiency; to both which I stood bound both in conscience and by law. Upon reading of this petition, some Lords said Mr. Smith was an unmannerly fellow, not to come to me; but the L. Kimbolton told them he was a very worthy man, and that he might go to me afterward; but it was fit their order should be obeyed. And the E. of Warwick[h] added, that I desired Mr. Smith (87) might come to me, only that I might pick a quarrel with him, to frustrate the order of the House. Upon this there followed instantly a peremptory order, commanding me to present obedience[i]. So Mr. Smith was left to come to me afterwards, if he pleased; and he came not at all, which was as good as if he had come, to have his sufficiency examined for that which he had already in possession. But how worthy and fit he proved, I refer to all honest men that heard him afterwards[k].

Upon this order, according to the former advice of my friends[l], I delivered the presentation to the churchwardens and parishioners; and if anything proved amiss in the man, (as after did in a high measure,) or hurtful in the thing itself, I humbly besought God to have mercy on me, and to call for an account of them who laid this pressure upon me.

[1] [Originally 'proceedings herein;']

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[h] [Rob. Rich.]

[i] ["Upon reading the petition of the Archbishop of Canterbury, it is ordered, That he shall confer forthwith the presentation of St. Leonard's Foster Lane, upon George Smith, Clerk, according to former orders of this House."]

[k] [Smith, who was instituted April 19, 1642, held this benefice only for a year. On his death he was succeeded by James Nalton, who was appointed, April 13, 1643, "ad recommendationem sive nominationem honorabilium Virorum Dominorum in suprema curia Parliamenti congregatorum, juxta ordinem in ea parte editam." (Newcourt, Repert. vol. i. p. 395.)]

[l] [P. 86 (of orig. MS.) See above, p. 3.]

94

CAP. XV.

BEFORE[1] this time the rectory of Stisted in Essex was fallen void, and in my gift. The E. of Warwick was an earnest suitor to me for it, for one Mr. Clark: I delayed, having six months' time by law to dispose of my benefices. During this delay, Mr. Richard Howlett, a bachelor of divinity, and a man of very good worth, a dean in Ireland[a], was by the rebels there turned out of all he had, and forced, for safety of his life, to come with his wife and children into England: his wife was my near kinswoman[b]. At their coming over I was forced to relieve them, else they might have begged. Hereupon I resolved in myself to give Stisted to Mr. Howlett, and to gratify Mr. Clark with something after; nothing doubting but that the Parliament would readily give way in such a case of necessity, for so worthy a man as Mr. Howlett was known to be.

While these things were in my thoughts, two other great benefices fell into my disposal, Bocking, and Lachingdon, both in Essex. Presently the parishioners petition me; they of Bocking for Dr. Gawden[c], a chaplain of the E. of Warwick's; they of Lachingdon, that they might choose their own minister. I gave a fair answer to both, but reserved myself. Then I was pressed with letters from the E. of Warwick, for Dr. Gawden. My answer was, I could not gratify Dr. Gawden with Bocking, and Mr. Clark with Stisted. Then Dr. Gawden brings me a very earnest letter, but very honourable, from the E. of Hertford[d]. When I saw

[1] ['Before' originally 'By']

[a] [Installed as Dean of Cashel, March 9, 163⅝, in the place of William Chappell, appointed Bp. of Cork. He had been the tutor of Bramhall at Sidney Sussex College, and also of Oliver Cromwell (Wood, F. O. ii. 153). The names of some of his other pupils are mentioned below.]

[b] [See the Archbishop's letter to Bp. Bramhall, Aug. 11, 1638.]

[c] [Gawden retained this preferment during the Rebellion, and at the Restoration was appointed successively Bp. of Exeter and Worcester.]

[d] [William Seymour, eleventh Earl and first Marquis of Hertford.]

myself thus pressed, I resolved to name fit men to all three benefices, presently, and see how the Parliament would be pleased to deal with me.

Before I did this, I thought fit to make a fair offer to the E. of Warwick, who by Dr. Gawden's entreaty came to me to the Tower. I freely told his Lp. my resolution, which was, that at the desire of his Lp., and my honourable friend the L. Marquess of Hertford, I would give Bocking to Dr. Gawden; Lachingdon to Mr. Howlett, in regard of his alliance to me, and his present necessities; and Stisted to Mr. Newsted[e], to whom I was pre-engaged by promise to my ancient worthy friend, Sir Tho. Rowe[f], whom Mr. Newsted had served in his embassages seven years; and for Mr. Clark, he should have the next benefice which fell in my gift, for his Lp.'s sake. His Lp. seemed to be very much taken with this offer of mine, and promised me, and gave me his hand upon it, that he would do me all the kindness he could, that these my nominations might pass with the Lords.

Mar. 31, 1642. Upon this I rested, and according to my promise, petitioned the Lords, as is expressed. Upon the reading of this petition, the Lords ordered me presently to collate Bocking upon Dr.

April 1, 1642. Gawden; which I did, the order being brought unto me the next day[g]. But for the other two, the Lords took time to consider. The E. of Warwick was then present in the House, and, as I was informed, said little or nothing. This made me fear the worst; and therefore I advised Mr. Howlett to get a full certificate of the L. Primate of Armagh, both for

[e] [Christopher Newstead was Vicar of St. Helen's, Abingdon, June 21, 1629 (Rymer, Fœd. VIII. iii. 84); Rector of Halingbury, June 1, 1636 (ibid. IX. ii. 88); and Preb. of Caddington Minor in the Ch. of St. Paul's, Aug. 25, 1660 (Wood, Ath. Ox. ii. 294).]

[f] [Sir Thomas Rowe had been employed successively as Ambassador to the Porte, to Poland, Sweden, and Denmark. He was now M.P. for the University of Oxford.—See his life in Biogr. Brit.]

[g] ["April 1, 1642.

"The petition of the Archbishop of Canterbury was read, showing that there are some benefices now void, which are in his bestowing, but in obedience to their Lordships' order he hath the names of such persons as he conceives to be deserving men for those places, and desires their Lordships' approbation of them before he presents.

"The names of the persons are these; viz. Mr. Richard Howlett to the Rectory of Lachinden; Dr. Gawdine to the Rectory of Berkinge (*sic*), in Essex; Mr. Christopher Newstead to the Rectory of Stisted.

"The House, taking this petition into consideration, ordered, That this House doth approve of Dr. Gawdine to be presented to the Rectory of Berking, and that the Archbishop of Canterbury do present him accordingly; and for the other two persons mentioned in the aforesaid petition, this House will take a few days to consider of it."]

life and learning, and attend with it at the Parliament, to make the best friends for himself. The business stuck still. At last he met with the L. Kimbolton, who presently made all weather fair for him; and upon his Lp.'s motion to the House, an order passed for Mr. Howlett to have Lachingdon[h]. The motive this: Mr. Howlett was Fellow of (88) Sidney College in Cambridge, and tutor at that time to two sons of the L. Mountague[i], the L. Kimbolton's uncle; at which time also the L. Kimbolton himself was a student in the same college, and knew the person and worth of Mr. Howlett. This his Lp. honourably now remembered; else it might have gone hard with Mr. Howlett's necessities. So upon the order thus obtained, I collated Lachingdon upon him. Apr. 13, 1642.

After this the E. of Warwick went Lord Admiral to sea[1], by appointment of the Parliament; and forthwith I was served with another order to give Stisted to Mr. Clark[k]. Hereupon I petitioned again, and set forth[2] my relations and engagements to Sir Tho. Rowe; and Dr. Gawden having told me that the E. of Warwick had left that business for me in trust with the L. Roberts[l], I made bold to write to his lordship, and entreat his lawful favour. The L. Roberts denied that any such order or care of that business was left with him, nor would he meddle in it; but referred me to the L. Kimbolton, who still followed the business close for Mr. Clark. By all Apr. 20, 1642.

[1] ['to sea,' interlined.]

[2] ['and set forth' in marg.]

[h] ["Upon reading of a petition of the Archbishop of Canterbury, wherein Mr. Richard Howlett, Bachelor of Divinity, (having lost lately a good preferment in Ireland by the rebellion there,) was nominated by his Grace to be preferred to the Rectory of Lachenden, in the county of Essex, with the approbation of this House, and also upon a certificate of the Lord Primate of Armagh, 'that the said Mr. Howlett is a man esteemed of sound doctrine and uncorrupted life, and very industrious in the ministry,' it is ordered, That this House doth approve of the said Mr. Richard Howlett, and do recommend him to the said Archbishop of Canterbury to be collated and instituted to the aforesaid Rectory of Lachenden, with what convenient speed he can."]

[i] [Edward Montagu, created Baron Montagu of Boughton, June 29, 1621; ancestor of the Dukes of Montagu and of the present Duke of Buccleuch.]

[k] ["Ordered, That Mr. John Clarke, the now Curate of the Parish of Stisted, in the County of Essex, and the minister there being lately dead, is hereby specially recommended to the Archbishop of Canterbury, to be a Minister and Parson of the aforesaid Church of Stisted, being certified to be a man of good life and sound doctrine."]

[l] [John Robartes, second Baron Robartes, created Visc. Bodmin and Earl of Radnor, July 23, 1679.]

which it appeared to me, that the E. of Warwick had forgotten his promise to me, to say no more [1].

Apr. 25, 1642 [m]. Maii 3, 1642 [n]. Soon after I received another order, to give Stisted to Mr. Clark. To this I answered again by petition, but with like success: for another order came forth peremptorily to command me to give Stisted to Mr. Clark. But it so fell out, that this order was not brought to me till ten days after the date; I sent my counsel to attend the Lds. that I might not fall into contempt. The business was not then called on, Maii 16, 1642. and by the sixteenth of the same month, Stisted fell in lapse to his Majesty [o]: so I lost the giving of the benefice, and somebody else their ends upon me.

[1] ['to say no more.' inserted afterwards, partly on opposite page.]

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[m] [Lords' Journals, vol. v. p. 16.]
[n] [Ibid. p. 38.]
[o] [Christopher Newstead was presented by the King to Stisted, June 20, 1642 (Rymer, Fœd. IX. iii. 104).]

196 CAP. XVI.

On May 15, Sunday, I made a shift, between my man and my staff, to go to church. There preached one Mr. Joslin[a]. His text, Judg. v. 23, "Curse ye Merosh," &c. To pass over what was strangely evil throughout his sermon, his personal abuse of me was so foul and so palpable, that women and boys stood up in the church, to see how I could bear it: and this was my first welcome into the church, after my long lameness. But I humbly thank God for it, I bare his virulence patiently, and so it vanished: as did much other of like nature, which I bare both before and after this. God forgive them. Maii 1, 1642.

After this I had some quietness; most particulars lying dead, out of several respects unknown to me. But all things grew higher and higher between the King and the Parliament, to the great damage and distraction of the kingdom. God of his mercy send a speedy and a blessed issue, and preserve his Majesty, the kingdom, and this poor Church from ruin: but I much fear our sins are ripe for a very great, if not a final judgment.

Friday, August the 19th, Captain Royden and his company, by order of Parliament, came about seven of the clock in the evening to my house at Lambeth, to take away my arms. They stayed there all night, and searched every room, and where any key was not ready, brake open doors: and the next morning they carried my arms away in carts to Guild-Hall, London; and I was sufficiently abused all the way by the people, as my arms passed. They gave out in London, there were arms for ten thousand men; whereas there was not enough for two hundred. And the arms I bought of my predecessor's executors; only some I was forced to mend, the fashion of arms being changed. He left to defend that large house, but six swords, six carabines, three halberds, and two Aug. 19, 1642.

[a] Jocelin. [See Diary at this date.]

half pikes: though the order [b] formerly made by the Lords, required necessary defence for the house should be left. But it seems Captain Royden's order now given was stricter; for he was towards me and my house very civil in all things.

Sept. 1, 1642. This day, Sept. 1, 1642, the Bps. were voted down in the House of Commons [c]: and that night there was great ringing and bonfires in the city; which I conceive (89) was cunningly ordered to be done by Alderman Pennington, the new L. Mayor, chosen in the room of Sir Richard Gurney, who was then in the Tower, and put out of his office by the Parliament. And my mind gives me, that if bishops do go down, the city will not have cause to joy in it.

About this time the cathedral church of Canterbury was grossly profaned; yet far worse afterward.

All-Hallows, Bread-street, was now fallen void, and in my Septemb. 9, 1642. gift; and, September 9, there came an order from the House of Peers for me to give it [d]: but having six months' respite by law, I delayed it for that time, which created me much trouble from the parishioners, who often solicited me [1].

Septemb. 10, 1642. About the tenth of this month, the bishops were voted 19 down in the Upper House [e]. So it seems I must live to see my calling fall before me.

Octob. 15. Upon Saturday, Octob. 15, it was resolved upon the question, That all rents and profits of all archbishops, bishops, deans and chapters, and other delinquents, should be sequestered for the use and service of the Commonwealth [f]: according

[1] ['for me to . . . me.' on opposite page.]

[b] P. 82 [of original MS. See vol. iii. p. 456.]

[c] [It is thus entered in the Commons' Journals:—

"The declaration from the General Assembly of Scotland was, according to the order of this House, now again read. And the House fell into the debate thereof.

"Resolved upon the question, *nemine contradicente*, That the government of the Church of England by archbishops, bishops, their chancellors and commissaries, deans, deans and chapters, archdeacons, and other ecclesiastical officers, hath been found by long experience to be a great impediment to the perfect reformation and growth of religion, and very prejudicial to the state and government of this kingdom. And this House doth resolve that the same shall be taken away."]

[d] ["Ordered, That Mr. Seaman shall be recommended to the Archbishop of Cant. to be rector of the parish of All-Hallows, Bread-street, in London, in the place of Mr. Lauson, who is lately dead."]

[e] [See the Answer to the Declaration of the General Assembly of Scotland, about Church Government, Lords' Journals, vol. v. pp. 349, 350.]

[f] [See Lords' Journals, vol. v. p. 402.]

to which ordinance, all the profits of my archbishopric were taken away from me, and not one penny allowed me for maintenance. Nay, whereas this order was not made till a full fortnight after Michaelmas; yet so hard a hand was carried over me, as that my rents, due at Michaelmas, were seized on to the use of the Parliament: by which means my estate was as good as sequestered almost from our Lady-day before; more than two parts of three of the rents being payable at Michaelmas [g].

An order came from the House, October 24 [h], that no prisoner should keep above two servants, nor speak with any man, but in the presence and hearing of his warder. My case for the former branch of this order, differed from all other prisoners. For they lay in several warders' houses, in which they might be fitted by the servants of the house for ordering their diet; but I was in a prison-lodging, void of all comfort and company. And therefore upon Octob. 27, (which was the very next day after the order was showed to me,) I humbly besought the Lords for a cook and butler, beside the two which were to attend me in my prison [i], by reason of my age and infirmities; which, though with difficulty, yet I humbly thank their Lps. was granted me, Octob. 28 [k]. Octob. 24. Octob. 27. Octob. 28.

On Wednesday, Nov. 2, I dreamed (that night) that [1] the Church was undone, and that I went to St. John's in Oxford, where I found the roof off from some part of the college, and the walls ready to fall down. God be merciful. Nov. 2.

Upon Wednesday, Nov. 9, about five of the clock in the morning, Captain Brown and his company entered my house at Lambeth, to keep it for public service. Hereupon I petitioned the Lords the same day, for the safety of the library, of my own study, and of such goods as were in my house: all which was very honourably granted unto me by a full order of the Lords that very day; with a strict charge, that they which were there employed in the public service, should Novemb. 9.

[1] ['night) that' interlined.]

[g] It was so then, though now otherwise.

[h] [See Lords' Journals, vol. v. p. 420.]

[i] f. person

[k] [There is no notice of this in Lords' Journals.]

take special care that all the forenamed things should be preserved in safety.

Either this day, or the day before, Mr. Holland and Mr. Ashurst, two of the House of Commons, came, accompanied with some musketeers, and entered my house, and searched for money, and took away seventy and eight pound from my receiver, Mr. Walter Dobson, and said it was for the maintenance of the King's children [l]. God of his mercy look favourably upon the King, and bless his children from needing any such poor maintenance.

Nov. 16. November 16, Wednesday, an order forbidding the prisoners' men to speak one with another, but in the presence of the warder, and to bar them the liberty of the Tower: only

Nov. 22. this order was so far enlarged, Novemb. 22, that any of them might go out of the Tower to buy provision or other necessaries.

Novemb. 24. On the 24th of this month, the soldiers at Lambeth-House l[brake open the chapel doors, and offered violence to the organ; but before much hurt was done, the captain heard of it, and stayed them.

Upon the death of Sir Charles Cæsar [m], the Mastership of the Faculties fell into my gift; but I could not dispose of it,

Decemb. 1642. by reason of (90)the order of Parliament, of Octob. 23, 1641[1], but with their approbation. Therefore I petitioned the Lords that I might give it to Dr. Aylet [n] or Dr. Heath [o], both then attendants in that honourable House; well knowing it would be in vain to name any other: and the Lords

[1] ['of . . . 1641' interlined.]

[l] [The orders of the House of Commons on this subject ran thus:—

"Nov. 8, 1642.

"Mr. Ashurst, Mr. Holland, are appointed to go to Lambeth House, and to take some of the Trained Bands with them; and to seize the rents that are now paying in to his receiver, and other officers, and to search the house for arms, and to search the steward's and receiver's books, to see what monies have been received of the Michaelmas rents."

"Nov. 9, 1642. Ordered, That Mr. Dobson, the Bishop of Canterbury's receiver, do pay unto Mr. Holland the monies already received by him, or to be received, of the said Bishop's rents and revenues; and that the said monies shall be employed for the use of the King's two youngest children's household. And that Mr. Holland be accountable for the said monies, in such manner as the House shall direct."]

[m] [The youngest son of Sir Julius Cæsar. (Wood, F. O. i. 348.)]

[n] [Rob. Aylet, M.A. of Cambridge, incorporated at Oxford, July 12, 1608, afterwards D.C.L. (Wood, F.O. i. 328.)]

[o] [See vol. iii. p. 248.]

sent me an order to give it to Dr. Aylet[p]; and I did it[1] accordingly. Decemb. 8.

The vicarage of Horsham in Sussex was in my gift, and fell void. At the entreaty of Sir John Conniers, then Lieutenant of the Tower, I petitioned the House that I might give it to Mr. Conniers, the lecturer at[2] Bow. But before my petition came to be delivered, the House had made an order against him, upon complaint from Horsham of his disordered life[q]; so busy were that party of men[3] to complain of all men, who were not theirs in faction; and such ready admittance had both they and their complaints in both Houses. For my part, the man was a stranger to me, and inquiring after him (as well as a poor prisoner could), I heard no ill of him for his life. Nevertheless, hearing how the Lords were possessed against him, I forbare the sending of that petition, and sent another for my own chaplain, Mr. William Brackstone. But he was refused[r]; yet no exception taken against him, for life or learning; nor indeed could any be[s]. Decemb. 19.

Upon the 23d of the same month[4], Dr. Layton came with Decemb. 23.

[1] ['and I did it' originally written 'which I did'] [2] ['at' orig. 'of']
[3] ['so . . . men' originally written 'as they were so busy.']
[4] [A word here erased; it seems to be 'Thursday.']

[p] ["Dec. 8, 1642.
"The petition of the Archbishop of Cant. was read showing, 'That whereas Sir Charles Cæsar, Master of the Rolls, and Master of the Faculties, is dead, and by that means renders the office of the Faculties void, which is in his Lordship's gift; and whereas by an order of this House, dated 23d of October, 1641, he is required not to bestow any office or dignity without first acquainting their Lordships with it, for your Lordships' approbation of the person:
"'He humbly names Dr. Heath and Dr. Aylett, men able and honest, and such as have given long attendance upon this House, and if their Lordships approve either of them, he shall give the office accordingly.'
"Ordered, That this House approves of Dr. Aylett, and recommends him to the Archbishop of Cant. to be Jūdge of the Faculties."]

[q] ["Upon petition of the inhabitants of the borough and parish of Horsham, in the county of Sussex, showing that one Mr. Coniers hath been presented to that parish by the Archbishop of Cant., who is a disserving man, and unfit for that place; Hereupon it is ordered, That the Archbishop of Cant. shall have notice that this House doth not approve of the said Coniers to be presented to the said parish."]

[r] ["Dec. 26, 1642. Upon reading of a petition of the Archbishop of Cant. showing, 'That whereas, by an order of this House, dated October 27, 1641, he is required to give no benefice or dignity without first acquainting this House, for their Lordships' approbation of the person, and whereas the vicarage of Horsham, in Sussex, is in his patronage and now void, his Grace names to the said vicarage Mr. Wm. Blackston (*sic*), Clerk, and his chaplain in house at the time of the breaking up thereof, and hopes he will deserve their Lordships' approbation:'
"Ordered, That this House will consider further of this person now nominated."]

[s] [For the persons mentioned in this paragraph, see notes on Diary at the above date.]

a warrant from the honourable House of Commons, for the keys of my house at Lambeth to be delivered to him, that prisoners might be brought thither[t]. I referred myself to God, that nothing might trouble me: but then I saw it evident, that all that could, should be done to break my patience. Had it not been so, somebody else might have been sent to Lambeth, and not Layton, who had been censured in the Star-Chamber to lose his ears, for a base and a most virulent libel against bishops and the Church-government established by law: in which book of his [were many things[1]] which in some times might have cost him dearer.

The same day it was ordered by the honourable House of Commons, that Mr. Glyn, Mr. Whitlock, Mr. Hill, or any two of them, should take care for the securing of the public library belonging to the See of Canterbury, the books, writings, evidences, and goods in Lambeth-House, and to take the keys into their custody[u]: and a reference to the Committee, to prepare an ordinance for the regulating of Lambeth-House for a prison, in the manner as Winchester-House is regulated[x].

Jan. 5. 164$\frac{2}{3}$. And upon Janua. 5, a final order from both Houses came for the settling of Lambeth prison: in which order it was included, that all my wood and coal then in the house should remain there for the use of the soldiers. And when motion was made, that I might have some to the Tower for my own necessary use, it would not be hearkened to. There was then in the house above two hundred pounds worth of wood and coal which was mine.

Janua. 6. The next day I received a letter from the E. of Manchester,

[1] [These words were inserted by H. Wharton to complete the sense. Archbishop Sancroft proposed to read, 'which book of his in some times,' or, 'in which book were many bold passages, which,' &c.]

[t] [It had been ordered by the House of Commons, Dec. 19, 1642, "That the prisoners committed to Crosby House and Gresham College shall be removed to Lambeth-House, there to be kept in safe custody, and that Dr. Laiton shall be keeper of that place."]

[u] ["Ordered, That Mr. Glyn, Mr. Whitlock, and Mr. Hill do take care for the securing of the public library belonging to the See of Canterbury, the books, writings, evidences, and goods in Lambeth-House, and to take the keys of the libraries and other rooms, where the books, writings, evidences, and other goods are, into their custody: and it is referred to the Committee that is appointed to consider of fit places for prisons to prepare an ordinance for the regulating of Lambeth-House, in like manner as Winchester-House is regulated."]

[x] [It was voted by the House, Nov. 11, 1642, that Winchester-House should be made a prison; and the House of Lords agreed to that vote, Nov. 14.]

commanding me, in the name of the House, to give All-Hallows, Bread-street, to Mr. Seaman[y]. This I was no way moved at; because I had before expressed myself to my L. of Northumberland, that I would give this benefice, out of my respects to his Lp., to Mr. Seaman his chaplain. Yet I cannot but observe, that though this was made known to the E. of Manchester, yet he would not forbear his letter, that the benefice might be given by order, and not seem to come from any courtesy of mine to that honourable person.

[y] [See vol. iii. p. 248.]

CAP. XVII. 20

Januar. 26. ON Thursday, Janua. 26, the Bill passed in the Lords' House for abolishing of Episcopacy [a]. God be merciful to this sinking Church.

Feb. 3, 164$\frac{2}{3}$. By this time the rectory of Chartham in Kent was fallen void, by the death of the Dean of Canterbury [b], and in my gift. It was a very good benefice, and I saw it would create me much trouble in the collating of it. The first onset upon me for it was by Dr. Heath; and it was to give it to Mr. Edward Corbet of Merton College, of which house Dr. Heath had formerly been. Very earnest he was with me, and told me the L. General [c] was earnest for him, and that it would be carried from me, if I did it not willingly; which I were better do [1]. My answer was, I could not help that: but Mr. Corbet
Feb. 14. had many ways disserved me in Oxford, and that certainly I would never give it him. So we parted: and though I could not be jealous of Dr. Heath, yet neither could I take [2] it well. And on Tuesday, Feb. 14, I received a letter from his Majesty, bearing date January 17, (91) in which letters the King commands me to give Chartham to one Mr. Reddinge, a man of good note in the Church; or if I were otherwise commanded by Parliament not to give, then to lapse it to him, that he might give it. I returned a present answer by word of mouth, and by the same messenger, that I would either give, or lapse the benefice, as his Majesty's gracious letters required of me [3 d].

I was now in a fine case between the King and the Parliament: one I was sure to offend. Yet these letters of the King's came happily in one respect: for that very afternoon,

[1] ['if I did ... better do.' on opposite page.]
[2] ['yet ... take' originally written 'yet I could not take']
[3] ['I returned ... of me.' inserted afterwards, part on opposite page.]

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[a] [See Lords' Journals, vol. v. p. 572.]
[b] [Isaac Bargrave.]
[c] [Rob. Devereux, third Earl of Essex.]
[d] [See the King's letter, vol. iii. p. 249; on which, and the previous page, will be found other notes illustrative of this passage.]

the E. of Warwick came to me to the Tower, and after a few fair words bestowed on me, drew out an order of Parliament, to give Chartham to one Mr. Culmer[e], who his Lp. said was a very worthy man; and perhaps I might have believed his Lp., had I not known the contrary: but I well knew him to be ignorant, and with his ignorance, one of the most daring schismatics in all that country. This order of Parliament bare date Feb. 4[f], but was not showed me till then. My answer to my Lord was, that I had received a letter from his Majesty, which required me to give that benefice to another man, or else lapse it to him; and therefore humbly desired his Lordship to do me good offices in the honourable House, considering in what difficulties I was, and how many great livings I had given by orders of Parliament, and none at the King's command till now. So we parted.

After this, Mr. Culmer came to me about the benefice, and protested his conformity to the Church. I think the man forgot that I knew both him and his ways. I told him I had given my Lord of Warwick my answer. But Mr. Culmer rested not so: but got a servant of mine down the stairs to him, and there was very earnest with him to know, whether it were not possible to work me to give him Chartham. And then out of the abundance of his honesty and worthiness, offered my servant a hundred and fifty pound to procure him the benefice: and added, that he should have no cause to distrust him, for he should have the money presently paid him. This is as worthy a piece of simony as need to be: and but that the E. of Warwick is a man of honour, and unfit to stoop to such base courses, it is enough to make a man think Mr. Culmer would have been very thankful to his Lp. for so much pains, as to come to the Tower and solicit for him.

The Earl of Warwick, at his next opportunity in the House, told the Lords, that whereas they had made an order, that

[e] [Richard Culmer had been ejected from Goodneston in Kent, for not reading the Book of Sports, which made him a bitter enemy to Laud. He was thrust into the living of Minster, on the ejection of Meric Casaubon. He is notorious for having grossly profaned Canterbury Cathedral. See more in Wood, F. O. i. 447.]

[f] ["Feb. 4, 1642.
"The House being this day informed, 'That the benefice of Chartham, near Canterbury, is now actually void, being in the gift of the Archbishop of Cant.,' it is ordered, That Mr. Richard Culmer, a painful minister, who was deprived of his living for not reading the Book for Sabbath Sports, shall be recommended to the Archbishop of Canterbury to be minister of Chartham aforesaid."]

the Archbishop of Canterbury should give Chartham to Mr. Culmer, a very worthy preacher[1]; he had been with me himself about it, and that I had pretended letters from the King, and refused to obey their order. This was like to have stirred great heat against me, but that a lord stood up and doubted of the order: putting them in mind, that the Ld. General was engaged for this benefice for Mr. Corbet, and had left the care of it upon himself and some other lords in his absence. Hereupon there was inquiry made, when, and how, that order passed[2] for Culmer, and it was found to be slipped out at a very empty house. So the E. of Warwick excused the matter, that he knew not of the[3] Ld. General's purpose; and so the business slept, and never awaked more for Culmer.

The Lord Brook was now in action. A bitter enemy he was to the Church, and her government by bishops. On
Mar. 2, 164$\frac{2}{3}$. March 2, he was going to give onset upon the Close of the cathedral at Lichfield: and as he was taking view of the place, from a window in a house opposite to the Close, and his beaver up, so that a musket at such a distance could have done him but little harm; yet was he shot in the left eye, and killed dead in the place without speaking one word[6]. Whence I shall observe three things:—First, that this great and known enemy to cathedral churches died thus fearfully in the assault of a cathedral. A fearful manner of death in such a quarrel! Secondly, that this happened upon Saint Chad's[4] day, of which saint that cathedral bears the name. Thirdly, that this lord coming from dinner about two years since[5], from the Lord Herbert's house in Lambeth, upon some discourse of St. Paul's Church, then in their eye upon the water, said to some young lords that were with him, 'that he hoped to live to see that one stone of that building should not be left upon another.' But that church stands yet, and that eye is put out that hoped to see the ruins of it. Many heavy accidents have already fallen out in these unnatural

[1] ['preacher;' originally written 'divine;'] [2] ['passed' interlined.]
[3] ['the' orig. 'my'] [4] ['Chad's' originally written 'Cedd's']
[5] ['about . . . since,' in margin.]

[6] [See notes on corresponding passage in Diary.]

wars; and God alone knows, how many more shall, before they [1] end: but I intend no history but of my own sad misfortunes; nor would I have mentioned this, but that it relates to the Church, which, for my calling's sake, I take as a part, and a near one, of myself.

(92) On Friday, Mar. 24, one Mr. Ford came to me to the Tower, and told me, there was a plot to send me, and my L. of Ely, Bishop Wren, as delinquents, to New England, within fourteen days: and that Mr. Wells, a minister that came thence, offered wagers of it. The meeting where he heard this, was (he said) at Mr. Bankes', a mercer's house in Friday-street, a son-in-law of Mr. Foord's. This gentleman told me he was a Suffolk man; but I never saw him before, and was doubtful of the truth of his relation: partly, because I knew no motive he had to take such care of me, being a stranger to him; and partly, because it could not sink into me, that the honourable Houses, after so long imprisonment, would send me into such a banishment, without hearing me or my cause. Yet he protested the truth of it very deeply, and wished me to endeavour to prevent it. That I knew not how to do; for [2] to petition against it upon such a private information, might rather call it on, than keep it off, seeing what an edge there was against me. Therefore I referred myself to God, my constant anchor, and so rested my thoughts as well as I could. Mar. 24, 164$\frac{2}{3}$.

It was now known in the House to the [3] Ld. General's friends, that I had a resolution not to give Chartham to Mr. Corbet: and it may be it was thought also, that I did but pretend the King's letters about it; and that if some other man were named, against whom I had no exception, it might [4] be that I would give it: and if I did give it, then they should discover, that either I had no letters from the King; or that I could make bold to dispense with them, so Mr. Corbet were not the man. And if they could have gained this upon me, that notwithstanding his Majesty's letters, I would have given that benefice to another man, they would then have recalled their order [h] from him, and com-

[1] ['they' orig. 'it']
[2] ['for' orig. 'and']
[3] ['the' orig. 'my']
[4] ['might' orig. 'may']

[h] For Culmer.

manded me for Mr. Corbet. That this my conjecture hath truth in it, seems evident to me by all the future carriage of this business.

For one Mr. Hudson came and preached at the Tower, and
Mar. 28, 1643. gave all men very good content: and on Tuesday, Mar. 28, he brought me an order from the Lords, requiring me to give Chartham to him. And this order was known in the Tower; for some prisoners of note said, I might do well to give it him, being so good a preacher. My answer to him was fair; yet I told him truly, that the King had written to me for another: that I had promised to give it, or lapse it, as his Majesty required me: that the King never asked any of me till now: that I hoped the Parliament would not take it ill, that I gave this one at the King's requisition, since I had already given as many benefices upon their orders as came to above eight hundred pounds a year, passing by my own friends and chaplains, honest and able men: and for his particular, I might live to pleasure him with another, so I were not over-pressed concerning this.

Hudson either mistook my[1] answer, or wilfully misreported it and me to the House; and thereupon came another order
Apri. 11. to me of April 11, to give him Chartham. I was not willing to be mistaken again, and therefore desired Mr. Lieutenant
Apri. 13. to deliver me a petition to the House on Thursday, Apri. 13, in which I set forth my true answer, as is above expressed, and in all humility desired their favour. That very day another quick order was made for Hudson, and brought to
Apri. 14. me the next day, April 14. I petitioned the House again, the same day, with all submission; yet professed, that I could not disobey the King in so fair a command.

When all this would not serve, the mask was pulled off,
Apri. 21. and a peremptory order[2], bearing date April 21, was brought to me on Saturday, Apri. 22, to collate Chartham upon Mr.
Apri. 24. Ed. Corbet[i]. And upon Monday, April 24, I humbly gave my answer, as before; but in the softest terms I could express it, and in a petition[j].

[1] ['my' orig. 'the'] ['order,' orig. 'order was brought to me,']

[1] [Not in Lords' Journals.]
[j] ["Monday. April 24.
"Upon reading the petition of the Archbishop of Cant. 'desiring, he being engaged both in duty and promise to his Majesty, for the presenting a minis-

Monday, Maii 1, the windows of my chapel at Lambeth were defaced, and the steps to the communion-table torn up. Maii 1. And on Tuesday, Maii 2, the cross in Cheapside was taken down, to cleanse that great street of superstition. Maii 2. The same day, in prosecution of the former plot, March 24, it was moved in the House of Commons to send me to New England; but it was rejected. The plot (93) was laid by Peters, Wells, and others of that crew, that so they might insult over me.

Then followed an exemplary piece of justice, and another of mercy. Maii 9 1643. Of justice: for my goods in Lambeth-House, and my books, were seized upon, and my goods set to sale by Captain Guest, Dickins, and Layton. And my goods[1] were sold, and scarce at a third part of their worth, all save what Layton took to himself, who usually said all was his, house, land, goods, and all. This was on Tuesday, Maii 9. And all this before any proceedings had against me[2]. And of mercy: for the same day there came out an order for my further restraint, that I might not go out of my lodging without my keeper, so much as to take air.

Much about this time I received another letter from his Majesty, in which he requires me (as he had formerly done, for Chartham in particular), that as oft as any benefice or other spiritual promotion whatever should fall void in my gift, I should dispose it only to such as his Majesty should name unto me; or if any command lay otherwise upon me from either or both Houses of Parliament, I should then let them fall into lapse, that he might dispose of them to men of worth[3].

Upon Tuesday, Maii 16, there came out an ordinance of both Houses[4], (for now the order was grown up into an ordinance,) requiring me to give no benefice, or spiritual Maii 16. Maii 17.

[1] ['my goods' in marg.; orig. 'they']
[2] ['And all . . . against me.' in marg.]
[3] ['Much about . . . worth.' This paragraph is in the orig. MS. inserted in the blank page opposite to p. 91.]
[4] ['requiring me' orig. written here.]

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ter to the rectory of Chartham in the county of Kent, that his duty to his Majesty may be an acceptable answer to their Lordships, and that he may be no more pressed in this particular.'
"Ordered, To have a conference with the House of Commons to-morrow about expediting the trial of the said Archbishop of Cant., and to consider how the jurisdiction and disposing of livings may be sequestered out of his power and disposing."]

promotion now void, or to be void at any time before my trial, 'but with leave and order of both Houses of Parliament[k].' This ordinance was delivered unto me the next day; and upon the reading of it I foresaw a cloud rising over me about this business of Chartham, for which I did assure myself the ordinance was made; and soon after came
Maii 20. another ordinance[2][1], requiring me by virtue of the said ordinance to give Chartham to Mr. Corbet. This order was
Maii 26. not brought to me till Friday, May 26. Then it was brought unto me by Mr. Corbet himself, and Sir John Corbet, a
Maii 23. Parliament man, came with him. Now upon the Tuesday before I had sent an humble petition[m] to the Lords for main-

[1] ['soon' orig. 'presently'] [2] ['ordinance,' orig. 'order,']

[k] The ordinance may be found at large in Rushw. par. iii. vol. ii. p. 320. ["Whereas William Laud, Archbishop of Canterbury, standeth impeached in this present Parliament for high treason, and for divers other great offences and misdemeanours; and by reason of many great and weighty businesses he cannot yet be brought to trial for the said offences and misdemeanours; and he, in respect of his said Archbishopric of Canterbury, hath power to give and collate fit Clerks to divers Parsonages, Vicarages, Prebends, and other ecclesiastical promotions and preferments: and if any of them should become void, and he left to prefer whom he please to the same, the same may prove very inconvenient, he bestowing them upon unfit and unworthy persons; Be it therefore ordered and ordained by the Lords and Commons in this present Parliament, That in case any of the aforesaid Parsonages, Vicarages, Prebends, or other ecclesiastical promotions or preferments, now be, or shall hereafter, and before the trial of the said Lord Archbishop, become void, that the said Lord Archbishop of Canterbury shall forbear to present or collate any person or persons thereunto without the leave and order of both Houses of Parliament. And it is further ordered and ordained, That the said Lord Archbishop shall from time to time, until his said trial, present and collate such fit person or persons to every such Parsonage, Vicarage, Prebend, and other ecclesiastical preferment, as aforesaid, which now are, or hereafter before his said trial shall become void, as by both Houses of Parliament shall be nominated and appointed. And it is further ordered by the said Lords and Commons in Parliament, That all Archdeacons, Registers, and other officers, ministers, and persons whatsoever, shall forbear to give or make any admission, institution, collation, or induction of any person or persons whatsoever, which by the said Archbishop shall be presented in or to any such Parsonage, Vicarage, Prebend, or other ecclesiastical preferment, other than such persons as shall be nominated and appointed by both Houses of Parliament, as aforesaid. And it is lastly ordered, That the Lord Archbishop, and the Churchwardens of every parish, and other officers of the Church, where any Parsonage, Vicarage, Prebend, or other ecclesiastical promotions or preferments, in the donation or gift of the said Archbishop, are, shall within two months after the respective avoidance thereof, give notice of such avoidance to the Lord Speaker of the House of Peers for the time being."]

[1] [This order of May 20 was passed on Corbet's petition. See Lords' Journals, vol. vi. p. 54.]

[m] ["May 23, 1643.

"The humble petition of Wm. Archbishop of Cant. was read,

"'Shewing,

"'That he hath neither land, lease, nor money; that the small store of plate which he had is long since melted down for his necessary support and expenses, caused by his present troubles; that his rents and profits

tenance; the prayer of which petition was as follows:— 'Humbly prayeth that your Lps. will take his sad condition into your honourable[1] consideration, that somewhat may be allowed him out of his estate to supply the necessities of life; assuring himself that in honour and justice you will not suffer him either to beg or starve. And your petitioner shall[2] ever
104 pray, &c.' The answer which this petition had in the Lords' House was, 'Let him give Chartham as is ordered, and then we will consider of maintenance[n].' So my petition was sent down to the House of Commons[3]. To the last forenamed order, I gave my former answer, and humbly petitioned the Lords accordingly, Maii 27 following[4][o]. So they departed, and as they went down the hill together, Sir John was overheard to say to Mr. Corbet thus: 'The Archbishop hath petitioned the Lords for maintenance, and they have sent his petition to the Commons; and since he will not give you the benefice, I'll warrant you he shall have no maintenance.' And so accordingly my petition was rejected in the House of Commons.

[1] ['honourable' in Lords' Journals 'lordships']
[2] ['shall' omitted in Lords' Journals.]
[3] [After 'Commons.' orig. written, 'To the forenamed petition of Mr.' and erased.]
[4] ['and humbly . . . following.' in marg.]

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are sequestered, and now all his goods taken from him, and no maintenance at all allowed him: insomuch that, if some friends of his had not, in compassion of his wants, sent him some little supply, he had not been able to subsist to this present; and now that this supply is at the last, he humbly prayeth, &c. (as in text.) W. Cant.' "]

[n] [The House, on the Archbishop's petition, thought fit that he should have some maintenance, and referred the petition, and order for nominating Corbet, to the House of Commons. See Lords' Journals, vol. vi. p. 58.]

[o] [The Archbishop's petition of May 27 was read in the House of Lords May 30, and an ordinance made to command Sir Nath. Brent to give Corbet institution to Chartham.]

CAP. XVIII. 205

Maii 31. THIS was Wednesday, the last of May: it was the Fast-day. A search came betimes in the morning into the Tower upon all the prisoners, for letters and other papers. But I have some reasons to think the search had a special aim at me. First, because following me thus close about Chartham as they did, I conceive they were desirous to see whether I had any such letter from the King as I pretended: if I had not, they had advantage against me for my falsehood; if I had, they meant to see what secret passed from his Majesty to me. Secondly, because I had lately petitioned for maintenance, and by this search they might see what I had by me. And he that searched my chamber, told me, upon occasion, that he was to take all papers which might discover delinquents' estates. Thirdly, because all other prisoners had their papers re-delivered them before the searchers went from the Tower, except some few verses of Sir Ed. Hern's; but mine were carried to the Committee, yet with promise, that I should have them again within two or three days. Fourthly, because as Layton was put into Lambeth-House, so my implacable enemy, Mr. Pryn, was picked out (as a man whose malice might be trusted) to make the search upon me. And he did it exactly.

The manner of the search upon me was thus:—Mr. Pryn came into the Tower, with other searchers, so soon as the gates were open. Other men went to other prisoners. He made haste to my lodging, commanded the warder to open my doors, left two musketeers sentinels[1] below, that no man might go in or out, and one at the stair-head; with three other, which had their muskets ready cocked, he came into my chamber, and found me in bed (as were also my servants in theirs). I presently thought upon my blessed Saviour, when Judas led in the swords and staves about Him. Mr. Pryn, seeing me safe in bed, falls first to my pockets to rifle them; and by that time my two servants came running in,

[1] ['sentincls' in marg.]

half ready. I demanded the sight of his warrant; he showed it me, and therein was expressed, that he should search my pockets. The warrant [a] came from the Close Committee, and the hands that were to it were these:—E. Manchester [b], W. Saye and Seale [c], Wharton [d], H. Vane [e], Gilbert Gerard [f], and John Pim [g].

Did they remember when they gave this warrant, how odious it was to Parliaments, and some of themselves, to have the pockets of men searched?

(94) When my pockets had been sufficiently ransacked, I rose and [1] got my clothes about me, and so half ready, with my gown upon my shoulders, he held me in the search till past nine of the clock in the morning. He took from me twenty and one bundles of papers, which I had prepared for my defence; the two letters before named, which came to me from his gracious Majesty about Chartham and my other benefices [2]; the Scottish Service-book, with such directions

[1] ['rose and' interlined.]
[2] ['the two . . . benefices;' on opposite page.]

[a] The warrant may be found in Pryn's Breviate of the Life of the Archbishop, p. 28.

["By virtue of an order of both Houses of Parliament, these are to authorize and require you to repair unto Colonel Manwaring at the Guild-Hall to-morrow morning, about 4 of the clock, and to receive from him ten foot soldiers, appointed to attend and assist you in the service hereafter mentioned. And you are further required and authorized, with the soldiers before mentioned, to repair unto the Tower of London, and there to search all the prisoners remaining under restraint, by order of either of the Houses of Parliament, or of this Committee, and to seize upon all letters and papers, and to see them put into some safe place, to be perused by such as shall be thereunto authorized. And you are forthwith to certify us, what you shall have done in execution hereof; and in the meantime so to sever and restrain their persons, that they speak not one with another, nor with any other; that thereupon some further order and direction may be given. And the said Colonel Manwaring, as also the Lieutenant of the Tower, and all other his Majesty's officers and loving subjects, are hereby required to be aiding and assisting unto you in execution of the premises. And for your and their so doing, this shall be your warrant." (Signed as in the text.) "To William Prinne, of Lincoln's Inn, Esq.; William Ball, Esq.; Ralph Farmer, Gent.; William Bendy, Gent.; Henry Blake, Gentleman."]

[b] [Edw. Montagu, mentioned previously in this history as Lord Kimbolton. He became Earl of Manchester, Nov. 7, 1642.]

[c] [William Fiennes, first Viscount Say and Seale. Laud's inveterate opponent.]

[d] [Philip Wharton, third Baron Wharton. He was at the battle of Edge Hill, and took an active part in the rebellion. He lived till 1696; and became Privy Counsellor to William III.]

[e] [Henry Vane the younger.]

[f] [Sir Gilbert Gerrard, M.P. for Middlesex.]

[g] [M.P. for Tavistock. The active opponent of Strafford and Laud. See his character in Clarendon, Hist. of Rebellion, vol. iv. p. 437.]

as accompanied it; a little book, or diary, containing all the occurrences of my life; and my Book of Private Devo- 2
tions; both these last written through with my own hand. Nor could I get him to leave this last; but he must needs see what passed between God and me: a thing, I think, scarce ever offered to any Christian. The last place which he rifled, was a trunk which stood by my bed-side. In that he found nothing, but about forty pound in money for my necessary expenses (which he meddled not with), and a bundle of some gloves. This bundle he was so careful to open, as that he caused each glove to be looked into; upon this I tendered him one pair of the gloves, which he refusing, I told him he might take them and fear no bribe, for he had already done me all the mischief he could, and I asked no favour of him. So he thanked me, took the gloves, bound up my papers, left two sentinels at my door, which were not dismissed till the next day noon, and went his way.

I was somewhat troubled to see myself used in this manner; but knew no help but in God, and the patience which He had given me. And how His gracious providence over me, and His goodness to me, wrought upon all this, I shall in the end discover, and will magnify, however it succeed with me.

07

CAP. XIX.

UPON my last[1] answer to the House concerning Chartham, there came out an ordinance against me, to take all my temporalities into the Parliament's hands; that so they might give not only Chartham, but all things else which fell into my gift: and because it is an ordinance of a great power and extent, I shall set it down, as it was printed and published, Junii 10, being Saturday[a].

"Whereas, by an ordinance of the Lords and Commons, in this present Parliament, of the 17th of May, 1643, the Archbishop of Canterbury is required, from time to time until his trial, to collate such fit persons unto any ecclesiastical preferment in his patronage, as shall by both Houses be nominated unto him; and in pursuance of the said ordinance, another ordinance of the Lords and Commons, passed the 20th of the same month, requiring the said Archbishop to collate upon Ed. Corbet, Fellow of Merton College in the University of Oxford, the Rectory of Chartham in the county of Kent, void by the death of Dr. Bargrave, the last incumbent; and whereas the said Archbishop[b] refuseth obedience to the said ordinance: It is therefore ordered, and be it so ordained by the Lords and Commons in Parliament, that all the temporalities of the Archbishop of Canterbury be hereby sequestered, by, and unto the Parliament; and William L. Archbishop of Canterbury suspended[c] *ab officio et beneficio, et omni et omnimoda jurisdictione archiepiscopali,* until he be either convicted or acquitted of high treason, for which he stands now accused; and whatsoever livings, dignities, or ecclesiastical promotions, in the said Archbishop's gift or collation, are, or hereafter shall be void, shall henceforth be instituted and inducted unto by the Archbishop's Vicar- Junii 10, 1643.

[1] ['last' interlined.]

[a] It may be found also in Rushw. par. iii. vol. ii. p. 330.

[b] 'of Canterbury' Rushw.

[c] 'be susp.' Rushw.

General, or any other having authority in this[d] behalf, upon the nomination and recommendation of both Houses of Parliament, during the time of the suspension and sequestration aforesaid. And upon this ordinance it is ordered, and be it so ordained by the Lords and Commons in Parliament, That the said Ed. Corbet be, and is hereby nominated and recommended, forthwith upon sight hereof, to be admitted, instituted, and inducted by the Vicar-General aforesaid, or any other having authority in this[e] behalf, into the said Rectory of Chartham, *ratione suspensionis Domini Gulielmi Archiepiscopi Cantuariensis*[f] *temporalium archiepiscopatûs, in manibus supremæ curiæ Parliamenti jam existentium,* the same belonging unto their gift. And it is hereby further ordained, by the Lords and Commons in Parliament, That during the suspension and sequestration aforesaid, the jurisdiction of the said Archbishop shall be executed and exercised by his Vicar-General, and other his inferior judges and officers, as formerly the same hath been."

This ordinance was laid as a great punishment upon me: but I humbly thank both Houses for it, as for the greatest benefit they have bestowed on me since my troubles; especially since the sequestration of my jurisdiction, Novemb. 2, 1641[g]. For it appears before in this history[1], how ever since that time I have been troubled for every (95) benefice which hath fallen in my gift; disenabled to prefer any friend or chaplain of my own, were he never so worthy: and (which is worse by much) forced to admit such men, how unworthy soever, as were by them[2] nominated to me, or else fall under a contempt of their ordinances, and such arbitrary punishment as they shall thereupon load me: whereas now, I am freed both from the trouble and the sin of admitting unworthy persons into the Church service, and leave them to the business, and the account for it.

Junii 11, 1643. On Sunday, Junii 11, one came and preached at the Tower (his name I could not learn). In his sermon, after he

[1] ['in this history,' on opposite page.]
[2] ['by them' in marg.]

[d] 'his' Rushw.
[e] 'his' Rushw.
[f] '*et sequestrationis*' Rushw.
[g] [See vol. iii. p. 450.]

had liberally railed on me, he told the auditory, that Mr. Pryn had found a book in my pocket, which would discover great things: this to inflame the people against me; *et si non satis insanirent sua sponte, instigare*[h]. This is zealous preaching! God forgive their malice.

An ordinance passed on Monday, Junii 12, that the Synod of Divines, formerly named by both Houses, (not chosen by the Clergy,) should begin to sit on the first of July following: and they did begin to sit that day; Dr. Twiss[i] in the chair; and he[1] made the Latin sermon. The names of these synodical men are to be seen in the ordinance, printed Junii 12[k]; where any man that will, may see a great, if not the greater part of them, Brownists[2], or Independents, or New-England-Ministers, if not worse[3], or at the best refractory persons to the doctrine or discipline, or both, of the Church of England established by law, and now brought together to reform it. An excellent conclave! But I pray God, that befal not them, which Tully observes fell upon Epicurus, *Si quæ corrigere voluit, deteriora fecit*:[l] He made everything worse that he went about to mend. I shall for my part never deny, but that the Liturgy of the Church of England may be made better; but I am sure withal it may easily be made worse. And howsoever, it would become this Synod well, to remember, that there is a Convocation of the English Prelates and Clergy, lawfully chosen and summoned, and by no supreme or legal authority as yet dissolved. And can there be two national Synods at one time, but that one must be irregular? Belike we shall fall to it in the Donatists' way: they set up *altare contra altare* in Africk; and these will set up *synodum contra synodum* in England: and this, without God's infinite mercy, will bring forth a schism, fierce enough to rent and tear religion out of this kingdom; which God, for the merits and mercies of Christ, forbid.

Junii 12. Julii 1.

[1] ['he' interlined.]
[2] [Several words erased after 'Brownists,']
[3] ['if not worse,' in marg.]

[h] [See Terent. Andr. iv. 2. 9.]
[i] [Dr. William Twiss, formerly Fellow of New College, Vicar of Newbury. See his life in Wood, Ath. Ox. iii. 169 seq.]
[k] [This ordinance is given in Rushworth, par. iii. vol. ii. (*i.e.* vol. v.) p. 337.]
[l] Cicero, L. 2. Tuscu. Q. [The following appears to be the passage referred to: "Ita ut ea quæ corrigere vult mihi quidem depravare videatur."—De Fin. lib. i. cap. vi.]

A Committee of the House of Commons sent Mr. Dobson[m], my Controller, to me to the Tower, to require me to send them word under my hand, what originals I had of the Articles of Religion established, 1562, and 1571. This was[1]
Julii 12. on Wednesday, July 12. And I returned by him the same day this answer in writing, with my name to it:—"The original Articles of 1571 I could never find in my paper-study at Lambeth, or anywhere else; and whether any copy of them were ever left there, I cannot tell. The original Articles of 1562, with many hands to them, I did see, and peruse there; but whether the bishops' hands were to them or not, I cannot remember." This answer satisfied them; but what 201
their aim was I cannot tell, unless they meant to make a search about the two first lines in the twentieth Article, concerning the power of the Church; in these words: "The Church hath power to decree rites or ceremonies, and authority in controversies of faith:" which words are left out in divers printed copies of the Articles, and are not in the one-and-twentieth Article of Edw. VI., nor in the Latin copy of the Articles 1571; but in the original Articles of 1562, the words are plain and manifest, without any interlining at all. If this were their aim, 'tis probable we shall see somewhat, by what their Synod[2] shall do concerning that Article[n].

Aug. 3. On Tuesday, August 3, my servant, Mr. Edw. Lenthrop, came to me, and told me that the day before he met with Sir K. Digbye, who had the leave to go out of prison, (by the suit of the French Queen,) and to travel into France. But before he took his journey, he was to come before a Committee, and there, he said, he had been[3]. It seems it was some Committee about my business; for he told Mr. Lenthrop, and wished him to tell it me, that the Committee took special notice of his acquaintance with me, and examined him strictly concerning me and my religion, whether he did not know that I was offered to be made a Cardinal; and many

[1] ['was' in marg.] [2] ['Synod' in marg.]
[3] ['and there . . . been.' in marg.]

[m] [Walter Dobson. The Archbishop bequeathed him a legacy of 20*l.* See Will.]

[n] [The evidence in favour of the genuineness of this disputed clause, is more fully stated by the Archbishop in his Speech at Bastwick, Burton, and Prynne's Censure, pp. 82—84 in marg. See Works, vol. vi.]

other such like things. That he answered them, That he knew nothing of any Cardinalship offered me: and for my religion, he had reason to think I was truly and really as I professed myself; for I had laboured with him against his return to the Church of Rome: (which is true, and I have some of my papers yet to show.) But he further sent me word, that their malice was great against me; though he saw plainly, (96) they were like men that groped in the dark, and were to seek what to lay to my charge. But soon after mutterings arose, that Mr. Pryn in his search had found great matters against me, and that now I should be brought to trial out of hand.

Some men now, it seems, made overture for peace, and some good hopes of it began to show themselves (as it was then said) in both Houses. This was on Saturday, Aug. 5: Aug. 5, 1643.
but there wanted not those which made themselves ready for battle; for on Sunday, Aug. 6, printed bills were pasted up Aug. 6.
in London, to animate the people to go to Westminster against peace; and the like bills were read in some churches. Excellent church-work! And on Monday, Aug. 7, some Aug. 7.
thousands, men and women, went to the Parliament, and clamorously petitioned against peace; and the next day five Aug. 8.
or six hundred women, and these[1] were as earnest for peace: but ye may observe, 'tis but hundreds for thousands that came against it. Yet on Wednesday, Aug. 9, the number of Aug. 9.
women increased, when, it seems, men durst not appear. But their desire for peace was answered by some troops of horse which were sent for, by which some of the women were killed, and divers of them shrewdly wounded. God of His mercy set an end to these bloody distractions! In the midst of this fury of the people, on Thursday, Aug. 10, came out Aug. 10.
'Rome's Master-Piece[o].' This book Mr. Pryn sets forth in print, upon occasion of some papers which he had in his search taken from me; and 'twas done to drive the people headlong into mischief, whose malice against me[2] needed not his setting on. After this the Diurnal and other

[1] ['these' interlined.] [2] ['me' interlined.]

[o] [This production, with the Archbishop's marginal notes, will be found in vol. vi.]

pamphlets began to mention me, and that now a charge was drawing up against me.

Aug. 11. Upon Friday, Aug. 11, Sir Robert Harlowe was made Lieutenant of the Tower, in the room of Sir Jo. Conniers;

Aug. 15. and on Tuesday, Aug. 15, he removed Mr. Bray, who had been my warder from my first commitment to the Tower, and put Mr. Cowes, another of the warders, to be my keeper.

Aug. 19. The cause of this change I could never learn. The nineteenth of Aug. after, being Saturday, Alderman Pennington, then Lord Mayor of London, was made Lieutenant of the Tower, and took possession of it.

Aug. 20. The next day being Sunday, in the afternoon one preached in the Tower church in a buff-coat and a scarf, but had a gown on. He told the people, they were all blessed that died in this cause, with much more such stuff. His name (as I then heard) was Kem[p], parson or vicar of Loe-Layton[q], in Essex, and then captain of a troop of horse. *Quam bene*

Aug. 27. *conveniunt*[r]! But the next Sunday, Aug. 27, during the afternoon sermon, a letter, subscribed John Browne, was thrust under the door of my prison. When I opened it, I found it a most bitter libel. God forgive the author of it!

September 11. On Monday, Septem. 11, the new Lieutenant, the Lord Mayor, changed my warder again, removed Mr. Cowes, and put Mr. Spencer to attend me. And when I moved him, that I might not have such often[1] change put upon me, as no other prisoner had, his answer was, that if he did not remove Mr. Cowes, the Committee would. So I knew not how to help myself, but by patience.

Then came the Covenant, that excellent piece of . . . . . from Scotland, and was sworn by the Parliament and the

Septemb. 25. Synod, in St. Margaret's Church in Westminster, on Monday, September 25. The effects which followed were as strict as

Octob. 3. the Covenant; for on Monday, Octob. 3, the order made that time twelvemonth was renewed, and all prisoners locked up, and no man suffered to speak with them, but by leave from the Lieutenant, and in the presence of their several warders respectively.

[1] ['often' in margin.]

[p] [Samuel Keme, or Kem. See a full account of him, Wood, Ath. Ox. iii. 907]

[q] Low-Laighton.

[r] [See Ovid, Metam. ii. 846.]

CAP. XX.

BY this time Mr. Pryn's malice had hammered out something; and on Tuesday, Octob. 24, an order was brought me from the Lords, dated Octob. 23, with a copy of ten additional Articles[a], brought up by the Commons against me. This Octob. 24.

[a] See the Articles, and Order of the Lords made thereupon, apud Rushworth, par. iii. vol. ii. pp. 817, 820; apud Pr. pp. 33—41.

[Such of the additional Articles as are not mentioned in the following History, are here given from Prynne's Cant. Doom, pp. 38—40.

"1. That the said Archbishop of Canterbury, to introduce an arbitrary government within this realm, and to destroy Parliaments, in the third and fourth years of his Majesty's reign that now is, a Parliament being then called and sitting at Westminster, traitorously and maliciously caused the said Parliament to be dissolved, to the great grievance of his Majesty's subjects, and prejudice of the commonwealth; and soon after the dissolution thereof, gave divers propositions under his hand to George, then Duke of Buckingham, casting therein many false aspersions upon the said Parliament, calling it a factious Parliament, and falsely affirming that it had cast many scandals upon his Majesty, and had used him like a child in his minority, styling them Puritans, and commending the Papists for harmless and peaceable subjects.

"4. That for the end and purpose aforesaid (to advance the Canons and power ecclesiastical above the law of the land), about seven years last past, a judgment being given in his Majesty's Court of King's Bench against one Burley, a parson, being a man of bad life and conversation, in an information upon the statute of 21 Hen. VIII. for wilful non-residency, the said Archbishop, by solicitations and other undue means used to the judges of the court, caused execution upon the said judgment to be stayed; and being moved therein, and made acquainted with the bad life and conversation of the said person, he said that he had spoken to the judges for him, and that he would never suffer a judgment to pass against any Clergyman by *nihil dicit*.

"8. That the said Archbishop, about four years last past, at Westminster aforesaid, said that there must be a blow given to the Church, such as hath not been yet given, before it could be brought to conformity; declaring thereby his intention to be to shake and alter the true Protestant religion established in the Church of England.

"10. That a little before the calling of the last Parliament, anno 1640, a vote being then passed, and a resolution taken at the Council Table, by the advice of the said Archbishop, for assisting of the King in extraordinary ways, if the said Parliament should prove peevish, and refuse to supply his Majesty; the said Archbishop wickedly and maliciously advised his Majesty to dissolve the said Parliament, and accordingly the same was dissolved. And presently after, the said Archbishop told his Majesty that now he was absolved from all rules of government, and left free to use extraordinary ways for his supply.

"For all which matters and things the said Commons assembled in Parliament, in the name of themselves and of all the Commons of England, do impeach the said Archbishop of Canterbury of high treason, and other crimes and misdemeanours, tending to the subversion of our religion, laws, and liberties, and to the utter ruin of this Church and Commonwealth.

"And the said Commons, by protestation saving to themselves the liberty of exhibiting at any time

order required me to make my answer in writing by the thirtieth of the same month. These Articles charged me not with treason only, as the former did, but with 'treason, and other high crimes and misdemeanours.' I sent instantly by the same messenger a petition[b] for longer time; for means out of my estate to fee my counsel, and bear the necessary charge of my trial; for counsel, and for a solicitor, and some servants to attend my business. The Lords, I humbly thank them, gave me longer time, and assigned[c] me Mr.

hereafter, any further or other accusation or impeachment against the said William Laud, Archbishop of Canterbury, and also of replying to the answer that he shall make unto the said Articles, or any of them, or offering proof of the premises, or any other impeachments or accusations that shall be exhibited by them, as the cause shall (according to the course of Parliament) require; do pray that he, the said William Laud, Archbishop of Canterbury, may be called to answer the said several crimes and misdemeanours, and receive such condign punishment as the same shall deserve; and that such further proceedings may be upon every of them had and used against him as is agreeable to law and justice."

The order of the Lords is as follows:—

"Die Lunæ, 23 October, 1643. Ordered, by the Lords in Parliament, That the Lord Archbishop of Canterbury shall put in his answer in writing into this House by the thirtieth day of this instant October, unto the particular Articles, in maintenance of their former impeachment of high treason, and divers high crimes and misdemeanours, brought up from the House of Commons against him, and remaining now before the Lords in Parliament."]

[b] The A.B.'s petition may be found in Rushw. p. 820; Pryn, p. 41.

["To the Honourable the Lords assembled in the High Court of Parliament,

"The humble petition of William Laud, Archbishop of Canterbury,

"Humbly sheweth,

"That he hath received your Lordships' order of October 23, 1643, with a copy of the Articles charged against him, and requiring him to make answer.

"Most humbly prayeth that, according to an order of that honourable House, he may have counsel assigned him, and that Master Hearne and Master Chute may be his counsel, and may have free liberty to come unto him; and that he may have some money out of his estate to fee his counsel, and defray his other charges, he having been for the last whole year burdensome to his friends. And further, that he may have all his papers and books, most of which belong to his defence, which Master Prynne took from him by order of the Lords, delivered unto him, that he may be able to answer for himself. That also he may have time and means to send for his witnesses, which can hardly be done in the time limited. And that he may have his servants about him, to send about his necessary occasions. And, lastly, that he may have longer time, the Articles being large and many.

"And he shall ever pray, &c.

"W. Cant."]

[c] Hern and Chute were assigned by order of the Lords, Octob. 24; Hales added by their order, Octob. 28. See both orders, apud Rushworth, p. 821; Pryn, pp. 41, 42. Gerrard added by their order, Jan. 16. See this order also, ibid. p. 825, and 46. The first order, apud Heylin's Life of Laud, p. 513. [The orders are here added:—

"Die Martis, 24 October, 1643. Upon the reading of the petition of the Lord Archbishop of Canterbury, this day, in the House, it is ordered by the Lords in Parliament, That time is given him until Monday, the sixth of November, for the putting in his answer in writing into this House, unto the particular Articles brought up from the House of Commons in maintenance of their former impeachment of high treason, and divers high

Hearn[d], Mr. Chute[e], Mr. Hales[f]; and, at my petition, added Mr. Gerrard[g]. For money they referred me to the Committee of Sequestrations; but delayed their answer concerning my servants, and the papers of my defence which Mr. Pryn took from me. For though he promised me a faithful restitution of them within three or four days, yet to this day (being almost five months after) I had received but three bundles of the twenty and one, which he had from me.

Friday, Octob. 27, I petitioned again, that the papers of my defence, being, as I was informed, in the hands of the Close Committee, might be deli(97)vered unto me; and sent my petition, with the order of the Lords annexed, to the Committee for Sequestrations. There many were very favourable, till Mr. Glyn[h] was pleased to say, They were not Octob. 27.

crimes and misdemeanours, against him. That Master Hearne and Master Chute are hereby assigned of counsel for the drawing up of his answer, who are to be permitted to have free access in and out to him. That this House doth hereby recommend to the Committee of Sequestrations, that the said Lord Archbishop shall have such means afforded him out of his estate as will enable him to pay his counsel, and defray his other charges. That when his Lordship shall set down particularly what papers and writings are necessary for his defence that should be restored unto him, their Lordships will take it into their consideration. That upon his Lordship's nominating who shall be his solicitor, the Lords will return their answer. And for the witnesses, when a day shall be appointed for his Lordship's trial, this House will give such directions therein as shall be just."

"Die Sabbati, 28 October, 1643. Ordered by the Lords in Parliament, That Master Hales is hereby appointed to be of counsel with the Lord Archbishop of Canterbury, with his other counsel already appointed for the drawing of his answer to the charge of the House of Commons against him. And that Master W. Dell, Richard Cobb, and Master George Smith, his Lordship's servants, shall have liberty to attend the said Archbishop's several affairs, and be permitted to come in and out unto him, as there shall be occasion."

"Die Martis, 16 Jan. 1643. Upon the reading the petition of William, Archbishop of Canterbury, it is this day ordered by the Lords in Parliament, That Mr. Richard Gerrard, of Gray's Inn, be added to the former counsel assigned to the said Archbishop, to be likewise of his counsel. It is also ordered by the Lords in Parliament, That William, Archbishop of Canterbury, shall put in his answer in writing into this House, to the first and further Articles of Impeachment brought up from the House of Commons against him, by Monday morning next peremptorily, and that the same counsel formerly assigned him shall be of counsel with him."]

[d] [John Hearne. From a letter in Peck's Desiderata Curiosa, p. 556, written by one of his grandchildren, it appears that he received the Holy Communion with the Archbishop just before his death; and that the Archbishop wished him to attend him on the scaffold. He desired to be excused this service, and his son attended in his stead. The same letter contains an account of a proposal to coin a medal from the gold pieces which the Archbishop gave the younger Hearne on this occasion.]

[e] [Chaloner Chute, son of Arthur Chute, of Wrenham, in Suffolk. His son, Chaloner Chute, was Speaker of the House of Commons in Rich. Cromwell's Parliament. (Wood, F. O. i. 454.)]

[f] [Afterwards the celebrated Sir Matthew Hale.]

[g] [Richard Gerrard.]

[h] [M.P. for Westminster, afterwards Sergeant-at-law, Chief Justice of the

to allow me means, and there was a known course in law, which was[1], that I might go on *in forma pauperis;* and so I was[2] left without any allowance out of my estate, to fee my counsel, or supply other wants.

This succeeding so ill with me, I petitioned the Lords
tob. 28, again on Saturday, Octob. 28, and then Mr. Dell, my secre-
43. tary, was assigned me for my solicitor, and I was allowed two servants more to go about my business[i]; and the House of Commons by their order agreed to the Lords, that I should have copies of any of the papers taken from me; but it should be at my own charge. Wonderful favour this, and as much justice! My estate all taken from me, and my goods sold, before ever I came to hearing; and then I may take copies of my papers at my own charge!

ctob. 31. On Tuesday, Octob. 31, I humbly petitioned[k] the Lords for direction of my counsel how to carry themselves towards me and my defence; and that they would honourably be

[1] ['was,' interlined.] [2] ['was' interlined.]

Upper Bench, and one of Cromwell's peers.]

[i] See the order of the Lords, apud Rushw. p. 821; Pryn, p. 42. [See above, note [e].]

[k] The petition may be found, apud Rushw. p. 821; Pryn, p. 42.

["To the Right Honourable the Lords assembled in Parliament,

"The humble petition of William, Archbishop of Canterbury,

"Most humbly sheweth,

"That your petitioner having presented against him, by the honourable House of Commons, to your Lordships, an impeachment, intituled, 'Further Articles of Impeachment by the Commons assembled in Parliament, of High Treason, and divers High Crimes and Misdemeanours;' to which by your honourable order of the twenty-fourth of October annexed, he is directed to put in his answer in writing, by Monday the sixth of November, and hath thereby counsel assigned him to draw up the same;

"That your petitioner's counsel, upon reading of the Articles, finding that as well in the frame as the conclusion thereof, the matters of crime and misdemeanours are so interwoven with the matters thereby charged as treason, as they cannot take upon themselves to distinguish them; and conceiving it not to have been your Lordships' intention by their assignments, that they should advise an answer to any part of the impeachment charged against your petitioner as treason, do forbear to advise your petitioner's answer to the said Articles, without some declaration first had, which of the said Articles are intended to be a charge of high treason, and which of them of crimes and misdemeanours, without which your petitioner is like to be deprived of the assistance of counsel granted by your Lordships' order.

"Your petitioner humbly beseecheth your Lordships, in this so heavy a charge on him, from so great and honourable a body, in such a strait of time, That it may be declared which of the said Articles are intended to be charges of crimes and misdemeanours only, in which your petitioner may have the assistance of his counsel assigned him to advise him in his answer thereunto; and that your Lordships will be further honourably pleased to enlarge your petitioner in the time allotted for his answer.

"And your petitioner shall pray, &c. "W. CANT."]

pleased, in regard the Articles charged me with treason and misdemeanour, and were intermixed one with another, to distinguish which were for treason, and which for misdemeanour: as also for longer time to put in my answer. The Lords upon this gave an order that I should have time till
12 Novemb. 13, but would declare no opinion touching the distinguishment of the Articles, but left me to my counsel to advise as they pleased[l]. My counsel told me plainly, I were as good have no counsel, if the Articles were not distinguished; for they were so woven one with another, and so knit up together in the conclusion, that they might refer all to treason, and so they be[1] suffered to give me no counsel at all in matter of fact. Hereupon they drew me another petition to the same effect, which I caused to be delivered Novemb. 6; Novemb.6. but it received the same answer. Then Novemb. 7, being Novemb.7. Wednesday [Tuesday], I petitioned the House of Commons to the same purpose; and Novemb. 8, this my petition was Novemb.8. read in the House of Commons, and, after a short debate, the resolution was, that they, being my accusers, would not meddle with anything, but left all to the order of the Lords, before whom the business was, and my counsel's own judgment thereupon. This seemed very hard, not only to myself and my counsel, but to all indifferent men that heard it. In the meantime I could resort no whither but to patience and God's mercy.

Novemb. 13, I appeared in the Parliament-house according Novemb. to the order[m], and was at the bar. That which I spake to 13. the Lds. was this,—"That I had no skill to judge of the

[1] ['be' interlined.]

[l] See the order of the Lords, ibid. [Rushworth,] p. 822; [Prynne, p.] 42.

["Die Martis, 31 Octobris. Ordered by the Lords in Parliament, That the Lord Archbishop of Canterbury shall have time to put in his answer to the impeachment of the House of Commons until Monday the thirteenth of November next. And that this House doth forbear to declare any opinion concerning the several Articles of the said impeachment, but leaves it to his counsel to do and advise as his counsel shall think most fitting."]

[m] See the order, apud Rushw. p. 822.

["Die Veneris, 10 Novemb. 1643. Ordered, That the Lieutenant of the Tower, or his deputies, shall bring in safety the Lord Archbishop of Canterbury before their Lordships, on Monday, the thirteenth of this instant November, by ten of the clock in the morning, to put in his answer into the House to the impeachment of the House of Commons remaining now before the Lords in Parliament, and this to be a sufficient warrant in that behalf.

"To the Gentleman Usher, &c."]

straits into which I might fall by my plea, which I had resolved on, being left without all assistance of my counsel, in regard of the nature and form of the impeachment that was against me. That yet my innocency prompted me to a ready obedience of their Lps'. order, casting myself wholly upon God's mercy, their Lps'. justice, and my own innocency." Then I humbly desired that their Lps'. order first, and the impeachment after, might be read[1]. This done, I put in my answer in writing, as I was ordered to do, and humbly prayed it might be entered. My answer was,—"All advantages of law against this impeachment saved and reserved to this defendant, he pleads 'Not guilty' to all and every part of the impeachment, in manner and form as 'tis charged in the Articles[n];" and to this answer I put my hand.

My answer being thus put in, I humbly besought their Lps. to take into their honourable consideration my great years, being threescore and ten complete, and my memory and other faculties by age and affliction much decayed: my long imprisonment, wanting very little of three whole years, and this last year little better than close imprisonment: my want of skill and knowledge in the laws to defend myself: the generality and incertainty of almost all the Articles, so that I cannot see any particulars against which I may provide myself.

In the next place, I did thankfully acknowledge their Lps'. honourable favour in assigning me such counsel as I desired; but I told their Lps. withal, that as my counsel were most ready to obey their Lps. in all the commands laid upon them, so there were certain doubts arisen in them how far they might advise me without offence; considering the charges against me were so interwoven, and left without all distinguishment what is intended as a charge of treason, and what 2
of crime and misdemeanour. That, to remove these doubts,

[1] ['might be read.' in margin.]

[n] *Vide* Rushworth, p. 822; Pryn, p. 43. This answer is otherwise worded in Pryn's Compl. Hist. p. 43, who took it (I suppose) from the Parliament Records.—W. S. A. C. It is thus worded,—"All advantages of exception to the said Articles of Impeachment to this defendant saved and reserved, this defendant humbly saith that he is Not guilty of all or any the matters by the said impeachment charged, in such manner and form as the same are by the said Articles of Impeachment charged."

I had humbly besought their Lps. twice for distinguishment, by several petitions; that their Lps. not thinking it fit to distinguish, I have, without advice of counsel, put in my plea, as their Lps. see. But do most humbly pray, that their Lps. will take me so far into consideration, as that I may not lose the benefit of my counsel for law in (98) all, or any; and for law and fact, in whatsoever is not charged as treason, when it shall be distinguished: as still my prayers were, that by their Lps'. wisdom and honourable direction, some way might be found to distinguish them: and that having (not without much difficulty) prevailed with my counsel to attend, their Lps. would be pleased to hear them speak in this perplexed business.

While I was speaking this, the Lds. were very attentive, and two of them took pen and paper at the table, and took notes; and it was unanimously granted that my counsel should be heard; and so they were. And the order[o] then made upon their hearing was, that they should advise me, and be heard themselves in all things concerning matter of law, and in all things, whether of law or fact, that was[p] not charged as treason; and that they would think upon the distinguishment in time convenient. This was all I could get, and my counsel seemed somewhat better content, that they had gotten so much. Not long after this, I heard from good hands, that some of the Lords confessed I had much deceived their expectation; for they found me in a calm, but thought I would have been stormy. And this being so, I believe the two lords so careful at their pen and ink made ready to observe any disadvantages to me, which they

[o] See the order, apud Rushw. p. 822; Pryn, p. 43.

["Die Lunæ, 13 Novemb. 1643. Ordered by the Lords in Parliament, That the Lord Archbishop of Canterbury's counsel shall provide themselves to advise him in point of law, in all the Articles of the whole charge; and for the matter of fact, when the cause comes to be prosecuted by the House of Commons, as there shall be need, their Lordships will give further directions in due time."

On the 11th of December the House of Common made this ensuing order:—

"Ordered, That the Committee for the trial of the Archbishop of Canterbury do meet this afternoon, at two of the clock, in the Star Chamber, to prepare the evidence against the Archbishop of Canterbury, and to summon such witnesses as are needful, and prepare the business fit for trial, and to acquaint the House when they are ready; and this they are to do with all convenient speed they can, and to have power to send for parties, witnesses, papers, records, &c. And the care thereof is particularly committed unto Sergeant Wilde."]

[p] 'were'

thought choler and indignation might thrust forth. But I praise God the giver, I am better acquainted with patience than they think I am[1].

So this my main business stayed awhile. In the meantime,
Decemb. 8, 1643. that I might not rust, I was warned, Decemb. 8, to appear in Parliament the 18th of that month, as a collateral defendant in a case of Smart against Dr. Cosin, formerly heard in the High Commission[q]. This cause had been called upon[2] both in this and former Parliaments; but I never heard that I was made a defendant till now; nor do I know anything of the cause, but that in the High Commission I gave my vote according to my conscience, and law too, for aught I know, and must refer myself to the acts of that[3] court. On Wed-
Decemb. 13. nesday, Decemb. 13, I petitioned for counsel in this cause,
Decemb. 18. and had the same assigned me; and on the 18th day I appeared according to my summons, but I was not called in, and the business put off to that day three weeks.

Decemb. 28. On Thursday, Decemb. 28, which was Innocents' Day, one Mr. Wells, a New-England minister, came to me, and in a boisterous manner demanded to know whether I had repented or not. I knew him not, till he told me he was suspended by me when I was Bishop of London, and he then a minister in Essex. I told him, if he were suspended, it was doubtless according to law. Then upon a little further speech, I recalled the man to my remembrance, and what care I took in conference with him at London-House, to recall him from some of his turbulent ways, but all in vain; and now he inferred out of the good words I then gave him, that I suspended him against my conscience. In conclusion he told me, I went about to bring Popery into the kingdom, and he hoped I should have my reward for it. When I saw him at

[1] ['Not long . . . I am.' inserted afterwards, the greater part on opposite page.]

[2] ['had been called upon' originally written 'hath been formerly called upon']

[3] ['that' interlined.]

[q] [Peter Smart, one of the Prebendaries of Durham, had, in 1628, preached a seditious sermon in that cathedral; for which, at the instigation of Cosin and others, he was questioned, first at Durham, and afterwards in the High Commission Court at London. On the change of affairs, Smart preferred a Bill of Complaint against Cosin and the other parties. The Articles against Cosin are to be found in Nalson's Collection, vol. i. pp. 789, 790; and Cosin's Reply in Heylin's Examen Historicum, p. 284.]

this height, I told him, he and his fellows, what by their ignorance, and what by their railing, and other boisterous carriage, would soon actually make more Papists by far than ever I intended; and that I was a better Protestant than he, or any of his followers. So I left him in his heat. This man was brought to my chamber by Mr. Isaac Pennington, son to the lieutenant.

By this time something was made ready again in my great business; and Wednesday at night, Janua. 3, I received an order for my appearance, to answer[1] to the impeachment against me, on the Monday following, Janua. 8[r]. This summons seemed sudden, after so great an intermission; yet I could not petition for more time till Saturday, Janua. 6; because, as the messenger told me, the House sat not again till then. Then I petitioned for more time, in regard my counsel were not in town[2]; and I had time given till Tuesday, Janua. 16, and that day set peremptorily[s]. Notwithstanding the short-

Janua. 3, 164$\frac{2}{3}$.

Janua. 6.

[1] [Originally written 'to appear, and to answer']
[2] ['in town;' orig. 'at home;']

[r] See the order, apud Rushw. p. 823; Pryn, p. 43.

["Die Mercurii, 3 Jan. 1643. It is this day ordered by the Lords in Parliament, That this House will proceed against William Laud, Archbishop of Canterbury, upon the impeachment brought up from the House of Commons for high crimes and misdemeanours, on Thursday morning next, at ten of the clock, being the eighth of this instant January, 1643. At which time the said Archbishop is to prepare himself for his defence.

"To the Gentleman Usher attending this House, or his deputy, to be delivered to the Lieutenant of the Tower, or his deputy, for the Archbishop."]

[s] The petition may be found apud Rushw. p. 823, and the order of the Lords, p. 824. Both apud Pryn, p. 44.

["To the Right Honourable the Lords assembled in the High Court of Parliament,

"The humble petition of William Laud, Archbishop of Canterbury, prisoner in the Tower,

"Humbly sheweth,

"That your petitioner, having received your Lordships' command, by your honourable order of the third of this instant January annexed, to attend and answer the impeachments against your petitioner from the honourable House of Commons, on Monday the eighth of this instant January, which is but five days' distance, and at a time when two of his three counsel assigned are out of town, and your petitioner's witnesses, residing in several remote places, cannot be summoned in so short a time, nor willing haply to come upon their summons, without warrant from your Lordships; Your petitioner's most humble suit to your Lordships is, That you will honourably vouchsafe him some more convenient time, to send for his counsel and witnesses to testify in the matters of fact charged against him; and withal to grant the petitioner your honourable order, to command the witnesses summoned to attend at the time by your Lordships to be appointed; which his humble request your petitioner had sooner presented to your Lordships, but that no sitting hath been (as your petitioner is informed) until this day, sithence your honourable order in this behalf made known to him.

"And your petitioner shall pray, &c.

"W. Cant."

Upon reading whereof, the Lords made this order:—

"Sabbati, 6 Jan. 1643. Whereas the

ness of this time, my counsel being out of town, as not
Janua. 7. expecting it, I was on Sunday, Janua. 7, ordered again to appear in Mr. Smart's suit, the next day. The warrant bare date a fortnight before; yet partly to sanctify the Sabbath[t], and partly to show his great civility to me in giving me warning, I was not served with it till Sunday night at seven
Janua. 8. of the clock. The next morning, I went to Westminster as I was commanded; but I was sent back, and not so much as called upon. So, beside the charge I was at, that day was lost and taken from me and my business, as short time as I had given me.

Janua. 16. Then Tuesday came on, Januar. 16. And whereas I was ordered to appear at the Lords' House at nine in the morning, I was by another order put off to one of the clock in the afternoon[u]. Then I appeared[x]. The Committee that were to press the evidence against me began to proceed upon the former general Articles, as well as upon the latter[y]. But to

House formerly appointed Monday, being the eighth of this instant January, 1643, to proceed against William Laud, Archbishop of Canterbury, upon the impeachment brought up against him from the House of Commons for high treasons, and high crimes and misdemeanours; upon reading the petition of the said Archbishop, it is this day ordered by the Lords in Parliament, to the end the counsel and witnesses of the said Archbishop may have competent time to attend the hearing of the cause, that this House will respite the proceedings against the said Archbishop upon the said impeachments until Tuesday, the 16th of this instant January, 1643, at ten of the clock in the morning; at which time the said Archbishop is peremptorily appointed to provide his witnesses, and prepare his defence unto the said impeachments.

"To the Gentleman Usher, &c."]

[t] For so those Puritans styled and accounted the Sunday.—H. W.

[u] Vide the order, apud Rushw. p. 824; Pryn, p. 45.

["Die Lunæ, 15 Jan. 1643. It is this day ordered by the Lords in Parliament, That the Lieutenant of the Tower of London, or his deputy, shall bring in safety the Archbishop of Canterbury before their Lordships, on Tuesday, the 16th of this instant January, by one of the clock in the afternoon. At which time this House will proceed against the said Archbishop, upon the impeachments brought up from the House of Commons for high treason, and high crimes and misdemeanours: and this to be a sufficient warrant in that behalf.

"To the Gentleman Usher, &c."]

[x] ["About three o'clock that afternoon the Lords sent down this message to the House of Commons:

"A message from the Lords by Sir Robert Rich and Mr. Page, to acquaint the House that they are ready to hear the charge upon the impeachment against the Bishop of Canterbury.

"Upon this message, the Committee of the House of Commons appointed to manage the evidence against him, went up to the Lords' House: and then the Archbishop, being brought to the bar, after he had there kneeled a little space, was commanded to stand."

Prynne, in recording the further proceedings of this day, mentions that both sets of Articles were read, but only the Archbishop's reply to the latter set, ascribing the Archbishop's silence respecting the first set of Articles to his own sense of guilt, and not to the circumstance mentioned in the text. Maynard also urged the same argument at the time.]

[y] Mr. Maynard was then chief manager for the Commons. See his speech

the first Articles I had never been called to answer, nor (99) ever joined issue. Upon this, there was much looking one upon another, as if they meant to ask where the failure was: but by this means there could not then be any proceeding. So I was there peremptorily ordered to put in my answer on Monday, Janua. 22, both to the original and to the additional Articles, and in writing [z].

At this day and time I appeared, as I was ordered to do; but could not obtain of the Lords, either to take my former answer off from the file, if I must put in another; nor to distinguish the Articles, which were treason and which misdemeanour; nor leave for my counsel to speak to the gene- 215 rality and uncertainty of the original Articles, which they professed were such, as no man living could prepare answer for [a]. But I must put in my answer presently, or be taken Jan. 22, 164⅓.

made then to the Lords, apud Rushw. p. 824, and Pryn, p. 45.

[z] See the order, apud Rushw. p. 825; Pryn, pp. 46, 47.

["It is this day ordered by the Lords in Parliament, That William, Archbishop of Canterbury, shall put in his answer in writing into this House to the first and further Articles of Impeachment brought up from the House of Commons against him, by Monday morning next peremptorily, and that the same counsel formerly assigned shall be of counsel with him."

On the next Saturday was issued the following order:—

Die Sabbati, 20 Jan. 1643. It is this day ordered by the Lords in Parliament, That the Lieutenant of the Tower of London, or his deputy, shall bring in safety William, Archbishop of Cant., before their Lordships, on Monday, the 22d of this instant January, by ten of the clock in the morning, to put in his answer to the Articles of Impeachment brought up from the House of Commons against him, according to the former order of this House, of the 16th of this instant January.

"To the Gentleman Usher, &c."]

[a] See the Archbishop's petition made herein, Jan. 19, apud Rushw. p. 825, Pryn, p. 46.

["To the Right Honourable the Lords assembled in Parliament,

"The humble petition of William, Archbishop of Canterbury, prisoner in the Tower,

"Sheweth,

"That whereas your petitioner, having formerly answered the particular Articles exhibited against him by the honourable House of Commons, and now by your Lordships' order of the 16th of this instant is commanded to put in his answer to the first and further Articles of Impeachment brought up against him, by Monday morning next, for doing whereof his former counsel is assigned him:

"That your petitioner, having advised with his counsel concerning the first Articles, which were exhibited now almost three years sithence, finding upon perusal and debate of the same that the said former Articles are such, that no answer can be made thereunto, nor your petitioner in any wise enabled to prepare for his defence to the same, as they now stand:

"That forasmuch as the said Articles of Impeachment import no less than a charge of high treason, and forasmuch as your petitioner is by his counsel informed, that especially in cases of life, the defendant is allowed to offer to the Court, where the same depends, his exceptions by his counsel, before any plea pleaded:

"Your petitioner most humbly beseecheth your Lordships to appoint a day for the hearing of your petitioner's counsel concerning the same.

"And your petitioner shall pray, &c.

"W. Cant."]

pro confesso[b]. So in these straits I put in my answer to both Articles; which follows *in hæc verba:*—

"The humble answer of William, Archbishop of Canterbury, to the first and further Articles of Impeachment brought up by the Honourable House of Commons against him, and by order of the Right Honourable the Lords in Parliament, of the 16th of this instant, directed to be put in.

"As to the 13th Article of the said first Articles, and the matters therein charged, and all matters or things in the same or any of the rest of the said Articles contained, which concern any act of hostility, whether between the King and his subjects, or between subject and subject, or which may be conceived to arise upon the coming of any English army against Scotland, or the coming of the Scottish army into England; or upon any action, attempt, assistance, counsel, or device, having relation thereunto, and falling out by the occasion of the late troubles, preceding the late conclusion of the treaty, and return of the Scottish army into Scotland: this defendant saith; That it is enacted by an Act made during the sitting of this present Parliament, that the same, and whatsoever hath ensued thereupon, whether trenching upon the laws and liberties of the Church and kingdom, or upon his Majesty's honour and authority, in no time hereafter may be called in question, or resented as a wrong, national

[b] ["Die Lunæ, 22° die Januarii. This day being appointed for the Archbishop of Canterbury to put in his answer to the first and further Articles of Impeachment brought up from the House of Commons against him, the House commanded the Gentleman Usher of the Black Rod to bring him in; who brought him to the Bar, where he kneeled as a delinquent, until he was bid by the House to stand up.

"And then the Speaker demanded of him his answer. The Archbishop answered: 'That the first Articles are so full of generals, there being no certain time, place, nor fact expressed, that his counsel are not able to draw, or advise him in an answer; therefore he desired their Lordships would be pleased to hear his counsel to offer to this House some exception, before any plea be pleaded, according to the desire of his petition to this House, the 19th of January.'

"Upon this, the House commanded him and his counsel to withdraw.

"And the House took this desire of the Bishop's into consideration. And the House ordered, To adhere to the former orders, and the Speaker to let him know, that this House expects his answer now presently.

"The Bishop was called in; the Speaker told him of the order of this House as aforesaid.

"Hereupon he humbly desired a little time to advise with his counsel now presently, which this House granted."]

[c] This answer was put in Jan. 22, being short, and in general pleading Not guilty, and making only a short particular plea to the 13th Article. The said answer may be found in Rush. p. 826, and Pryn, p. 47. I have transcribed it from Pryn, and caused it to be here inserted.—H. W.

or personal; and that no mention be made thereof in time coming, neither in judgment nor out of judgment; but that it be held and reputed, as though never such things had been thought or wrought; as by the said Act may more at large appear[d]: with this, That this defendant doth aver, that he is none of the persons excepted by the said Act, or the said offences charged upon this defendant any of the offences excepted by the said Act.

"And as to all the rest of the said first and further Articles, this defendant, saving to himself all advantages of exception to the said Articles, humbly saith, He is not guilty of all or any the matters by the said Articles charged, in such manner and form as the same are by the said Articles charged against him[e]."

This day the Thames was so full of ice that I could not go by water. It was frost and snow, and a most bitter day. I went therefore with the Lieutenant in his coach, and twelve warders with halberts went all along the streets. I could not obtain either the sending of them before, or the suffering them to come behind, but with the coach they must come; which was as good as to call the people about me. So from the Tower-gate to Westminster I was sufficiently railed on

[d] [16 Car. I. cap. xvii. See also Rymer, Fœd. IX. iii. 73.]

[e] [It is further added in the Lords' Journals:—

"The Bishop, after this, desired, 'That his former answer may be returned unto him again, that so there may be but one answer to one and the same charge.' And further, he desired, 'That his counsel, in convenient time, might be heard in matter of law.'

"The Bishop being withdrawn, the House gave no order herein, but ordered, That a copy of the Archbishop's answer, made this day, should be written, and attested under the hand of the Clerk of the Parliament, and sent down to the House of Commons."

The answer was accordingly sent down to the Lower House, as appears by the following entry in the Commons' Journals:—

"Jan. 22, 1643. The Lords, by Sir Robert Rich and Mr. Page, sent down the answer of William, Archbishop of Cant., to the first and further Articles of Impeachment brought up by this House against him, which was read, and ordered to be referred to the Committee appointed to manage the evidence against the Archbishop of Canterbury, and accordingly delivered to Sergeant Wilde."

After this, the House of Commons made the two following orders:—

"Feb. 22, 1643. Ordered, That the Committee appointed to manage the evidence at the trial of the Archbishop of Canterbury do peremptorily meet this afternoon, at three of the clock, in the Court of Wards, upon the distribution of the parts of the evidence."

"4 Martii, 1643. A message to be sent to the Lords, to desire them to appoint a day for the trial of the Archbishopof Canterbury. Master Sergeant Wilde went up to the Lords to appoint a day for the trial of the Archbishop of Canterbury. Sergeant Wilde brings answer, That the Lords have appointed to-morrow sevennight for the trial of the Archbishop of Canterbury."]

and reviled all the way. God of His mercy forgive the misguided people! My answer being put in, I was for that time dismissed; and the tide serving me, I made a hard shift to 21 return by water.

And now, notwithstanding all this haste made to have my answer in, Mr. Pryn cannot make this broken business ready[1] against me. Therefore, to fill up some time, I was[2] ordered
Janua. 29. to be at the House again on[3] Monday, Janua. 29, about Mr. Smart's business. But being put to this trouble and charge, and showed to the people for a further scorn, I was sent back again, and had nothing said[4] to me.

All February passed over, and Mr. Pryn not yet ready; he had not yet sufficiently prepared his witnesses. But on
Mar. 4. Monday, Mar. 4, an order passed to call me to the House, to answer my charge of high treason, on Tuesday, March 12,
Mar. 9. following[f]. And on Saturday, March 9, I received a note from the Committee which were to press the evidence against me, what Articles they meant to begin with; which had a show of some fair respect; but the generality and uncertainty of the Articles was such, as rendered it a bare show only; no particular being charged concerning which I might provide for any witnesses or counter-proof[g].

[1] ['ready' interlined.]
[2] ['on Monday, Janua. 29,' here originally inserted.]
[3] ['on' interlined.] [4] ['said' originally written 'sent']

[f] See the order, apud Rushw. p. 827; Pryn, p. 48.

["Die Lunæ, 4 Martii, 1643. Ordered, That the Archbishop of Canterbury shall appear before their Lordships on Tuesday, the 12th of this instant March, at nine of the clock in the morning. At which time this House will proceed against the Archbishop upon the first and further Articles of Impeachment brought up from the House of Commons against him for high treason, and high crimes and misdemeanours, whereof the said Archbishop is hereby to take notice, and provide himself accordingly."]

[g] [There was read in the House of Commons, on March 9, a petition from the Archbishop that Sir Henry Mildmay might be examined as a witness on his trial; upon which the following order was made:—

"9 Martii, 1643. The humble petition of William, Archbishop of Canterbury, desiring that Sir Henry Mildmay may be examined as a witness in his business, he being to come to trial on Tuesday next, was this day read. And it is ordered, according to his petition, That he shall be examined as a witness at the trial of the said Bishop accordingly. It was likewise then ordered, That divers members of the House of Commons shall be examined as witnesses against him; and that the Lords be moved by Sergeant Wilde, that some members and attendants of the Lords' House be examined at the Archbishop's trial. And that it be referred to the Committee of Sequestrations to consider of some convenient recompense for such clerks, solicitors, and others as have been, or shall be, employed in the transcribing of breviates, and other services done by the Committee for the Bishop of Canterbury his trial."]

CAP. XXI.

AND now being ready to enter upon the hearing and the trial itself, I hold it necessary for me to acquaint the reader with some general things before that begin; partly to the end[1] he may see the course of this trial, and the carriage which hath been in it[2]; and partly to avoid the often and tedious repetition, which else must necessarily be of some of them; and especially that they may not be mingled, either with the evidence, or my answers to it, to interrupt the current, or make anything more obscure.

(100) 1. The Committee appointed by the House of Commons to manage and press the evidence against me, were Sergeant Wilde[a], Mr. Browne[b], Mr. Maynard[c], Mr. Nicolas[d], Mr. Hill[e]; but none spake at the bar but the first four: Mr. Hill was Consul-Bibulus[f]; Mr. Pryn was trusted with the providing of all the evidence, and was relater, and prompter, and all, never weary of anything, so he might do me mischief. And I conceive in future times it will not be the greatest honour to these proceedings, that he, a man twice censured in the High Court of Star-Chamber, set in the pillory twice—once[3] for libelling the Queen's Majesty, and other ladies of great honour, and again for libelling the Church, and the government and governors of it, the Bps.—and that had his ears there cropped, should now be thought the only fit and indifferent man to be trusted with the

[1] ['partly to the end' originally written 'partly because']
[2] ['and the carriage . . . it;' in marg.] [3] ['once' in marg.]

[a] [John Wilde, M.P. for Worcestershire.]

[b] [Samuel Browne, an M.P. He was afterwards one of the Commissioners of the Great Seal, and one of the Judges of the Court of King's Bench.]

[c] [John Maynard, M.P. for Totnes. He lived through the reigns of Charles II. and James II., and took an active part in bringing over William III. In 1689, he was appointed one o the Commissioners of the Great Seal, and died, Oct. 9, 1690, well spoken of, as a sound lawyer.]

[d] [Robert Nicholas, M.P. for Devizes. Afterwards Sergeant-at-Law, and one of the Judges of the Court of King's Bench.]

[e] [Robert Hill, M.P. for Bridport. Afterwards one of the Barons of the Exchequer.]

[f] [Referring to M. Calpurnius Bibulus, Cæsar's inactive colleague in his first consulship.]

witnesses and the evidence against me, an archbishop, and sitting at his censure[1].

2. Mr. Pryn took to him two young men, to help to turn his papers, and assist him; Mr. Grice, and Mr. Beck. Mr. Grice was son to Mr. Tho. Grice, Fellow[2] of St. John Bap. College in my time, and after beneficed near Stanes[g]. I know not what the matter was, but I could never get his 21
love. But he is dead[h], and so let him rest[3]. And now his son succeeds, and it seems he inherits his father's disposition towards me; for I hear his tongue walks liberally over me in all places[4]. For Mr. Beck, he hath received some courtesy from me, and needed not in this kind to have expressed his thankfulness. But I leave them both to do the office which they have undertaken, and to grow up under the shadow of Mr. Pryn; God knows to what.

3. It was told me by a man of good credit, that was present and heard it, that my name coming in question among some gentlemen, after divers had spoken their thoughts of me, and not all one way, a Parliament-man being there, was pleased to say, that I was now an old man, and it would be happy both for me and the Parliament, that God would be pleased to take me away: and yet I make no doubt, but that if age, or grief, or faintness of spirit had ended my days, many of them would have done as Tiberius did in the case of Asinius Gallus; that is, *Incusarent casus, qui reum abstulissent, antequam coram convinceretur*[i]: They would cry[k] out against this hard chance, that should take away so guilty a person from public trial, when they were even ready for it. After this, when a friend of mine bemoaned my case to another

[1] ['an archbishop . . . censure.' inserted afterwards, part on opp. page.]
[2] ['Fellow' originally written 'sometimes Fellow']
[3] ['But he . . . rest.' in marg.]
[4] ['in all places.' on opp. page.]

[g] [Thomas Grice was elected to S. John's College in 1605, from Merch. Tailors' School (see Wilson's Hist. of Merch. Tailors' School, p. 1191); and, July 1, 1617, was admitted Rector of Litlington, Middlesex (Newcourt, Repert. vol. i. p. 689). Archbishop Sancroft remarks on this passage: 'Of Mr. Thomas Grice, see the papers concerning the Mastership of S. John Baptist College.' (See Lamb. MSS. numb. 943, pp. 55 seq.)]

[h] [Grice had died prior to Aug. 9, 1637, when his successor was appointed (Newcourt, Repert. vol. i. p. 689).]

[i] "Scilicet (plus quam) medio triennio defuit tempus subeundi judicium consulari seni."—Tacit. Annal. lib. 6. [cap. 23. This note is a continuation of the passage quoted in the text.]

[k] 'have cried'

Parliament-man (of whom I had deserved very well) and said, he knew I was a good man: the Parliament-man replied, 'Be he never so good, we must now make him ill for our own sakes.' What the meaning of these speeches is, let understanding men judge. And even during my trial, some citizens of London were heard to say, that indeed I answered many things very well: but yet I must suffer somewhat for the 'honour of the House.'

4. So all my hopes now, under God, lay wholly on the honour and justice of the Lords. Yet seeing how fierce many of the people were against me, and how they had clamoured in other cases, and that Mr. Pryn was set up at once to mischief and to scorn me, and foreseeing how full of reproaches my trial was like to be; I had a strong temptation in me, rather to desert my defence, and put myself into the hands of God's mercy, than endure them. But when I considered what offence I should commit thereby [1] against the course of justice, that that might not proceed in the ordinary way; what offence against my own innocency and my good name, which I was bound both in nature and conscience to maintain by all good means, which by deserting my cause could not be; but especially, what offence against God, as if He were not able to protect me, or not willing, in case it stood with my eternal happiness [2], and His blessed will of trial of me in the meantime; I say when I considered this, I humbly besought God for strength and patience, and resolved to undergo all scorns, and whatsoever else might happen to me, rather than betray my innocency to the malice of any.

5. And though my hopes under God were upon the Lords, yet when my trial came on, it did somewhat trouble me, to see so few Lords in that great House. For at the greatest presence that was any day of my hearing, there were not
118 above fourteen, and usually not above eleven or twelve. Of these, one-third part at least, each day took, or had occasion to be gone, before the charge of the day was half given. I never had any one day the same Lords all present at my defence in the afternoon, that were at my charge in the morning: some leading Lords scarce present at my charge, four days of all my long trial, nor three at my defence: and

[1] ['thereby' interlined.]

[2] ['happiness' on opposite page.]

which is most, no one Lord present at my whole trial, but the Right Honourable the Lord Gray of Wark[1], the Speaker, without whose presence it could not be a House. (101) In this case I stood in regard of my honourable judges.

6. When my hearing came on, usually my charge was in giving till almost two of the clock. Then I was commanded to withdraw; and upon my humble petition for time to answer, I had no more given me, than till four the same afternoon; scarce time enough advisedly to peruse the evidence: my counsel not suffered to come to me, till I had made my answer, nor any friend else, but my solicitor, Mr. Dell, to help turn my papers, and my warder of the Tower, to sit by to look to this. And this was not the least cause[1], why I was at first accused of no less than treason; *Ne quis necessariorum juvaret periclitantem, majestatis crimina subdebantur*[m], as it fell out in Silanus his case, who had more guilt about him (yet not of treason[2]) than (God be thanked) I have; but was prosecuted with like malice, as appears in that story[3]. At four o' clock[4], or after, the House sat again; and I made my answer: and if I produced any witness, he was not suffered to be sworn; so it was but like a testimony at large, which the Lords might the more freely believe, or not believe, as they pleased. After my answer, one, or more of the Committee, replied upon me. By that time all was done, it was usually half an hour past seven. Then in the[5] heat of the year (when it overtook me[6]) I was[7] presently to go by water to the Tower, full of weariness, and with a shirt as wet to my back with sweat, as the water could have made it, had I fallen in: yet I humbly thank God for it, He so preserved my health, as that though I were[8] weary and faint the day after, yet I never had so much as half an hour's headache, or other infirmity, all the time of this comfortless and tedious trial.

[1] ['cause,' originally written 'reason,']
[2] ['yet . . . treason' interlined.]
[3] ['And this . . . story.' on opposite page.]
[4] ['o' clock,' interlined.]
[5] ['the' interlined.]
[6] ['me' interlined.]
[7] ['I was' originally written 'I was divers nights']
[8] ['I were' originally written 'I was nev.']

[1] [Sir William Grey, created Baron Grey of Warke, Feb. 11, 1624.]

[m] Tacit. Annal. lib. iii. [cap. 67.]

7. Now for the method, which I shall hold in this History of my trial, it shall be this. I will set down the evidence given on each day, by itself, and my answer to it. But whereas all the evidence was given together, and so my whole answer after; to avoid all looking back, and trouble of turning leaves to compare the answer with the evidence, I will set down each [1] particular evidence, and my answer to it, and so all along, that the indifferent reader may without further trouble see the force of the one, and the satisfaction given in the other, and how far every particular is from treason [2]. And if I add any thing [3] to my answers in any place, either it is because in the shortness of time then given me to make my [4] answer, it came not to my present [5] thoughts; or if it did, yet I forbare to speak it with that sharpness; holding it neither fit nor safe in my condition, to provoke either my accusers or my judges. And whatsoever is so added by me, in either of these respects, the reader shall find it thus marked in the margent, as here it stands in this [n].

119 8. Nor did I wrong Mr. Pryn, where I say, 'that for all the haste to put in my answer, Janua. 22, he could not make this broken business so soon ready against me:' for 'tis well known, he kept a kind of school of instruction for such of the witnesses as he durst trust, that they might be sure to speak home to the purpose he would have them. And this an utter barrister, a man of good credit, knows; who in the hearing of men [6] beyond exception, said, 'The Archbishop is a stranger to me, but Mr. Pryn's tampering about the witnesses is [7] so palpable and foul, that I cannot but pity him and cry shame of it.' When I heard this, I sent to this

[1] ['each' originally written 'the']
[2] ['and . . . treason.' in marg.]
[3] ['thing' interlined.]
[4] ['make my' interlined.]
[5] ['present' interlined.]
[6] ['hearing of men' originally written 'hearing of others, men']
[7] ['is' originally written 'was']

[n] Note, that where entire set speeches were made by the Archbishop, although spoken by him at the Bar, the same marks are put to it. But wheresoever those marks are found in the History, from the second to the last day of the trial inclusive, the words to which they are affixed were not spoken at the Bar at that time, but either added afterwards by the Archbishop at the recapitulation of his answer, or inserted in writing the History.—H.W. [The Archbishop had here inserted inverted commas (") in the margin. These will be retained at the beginning and end of the 'set speeches,' and of the additions made by the Archbishop, and not all through them as originally printed.]

gentleman, to know if he tendered my case so far, as to witness it before the Lords. The answer I received was, that the thing was true, and that very indignation of it made him speak: but heartily prayed me, I would not produce him as a witness; for if I did, the times were such, he should be utterly undone: and 'tis not hard to guess by whom. Upon this I consulted some friends; and upon regard of his safety on the one side, and my own doubt, lest if forced to his undoing, he might through fear, blanch and mince the truth, to my own prejudice, who produced him, I forbare the business, and left Mr. Pryn to the bar of Christ, whose mercy give him repentance, and amend him. But upon my Christianity [o] this story is truth.

[o] [This expression noted by Archbishop Sancroft, as if not approved of.]

220

CAP. XXII.

THE FIRST DAY OF MY HEARING [1].

AND now I come to Tuesday, March 12, the day appointed for my trial to begin; and begin it did. When I was come, and settled at the bar, Sergeant Wilde made a solemn speech for introduction. I had a character given me before of this gentleman, which I will forbear to express; but in this speech of his, and his future proceedings with me, I found it exactly true. His speech my decayed memory cannot give you at large; but a skeleton of it I here present, according to such limnes [2], as my brief notes then taken can now call to my memory [a].

Mar. 12, $\frac{1643}{4}$. Die 1°.

He began, and told the Lords, that the children, which I had travailed with, were now come to the birth; and that my actions were so foul, and my (102) treason so great, as that the like could not be read in any history; nay so great, as that *nullus poeta fingere,* no poet could ever fain the like: and that if all treason were lost, and not to be found in any author what it is, it might be recovered and found out in me and my actions; with divers pieces of Latin sentences to this effect. And though these high and loud expressions troubled me much at the present: yet I could not but think, that in [3] this cento of his he was much like one of them which cry up and down the city, 'Have you any old ends of gold and silver?'

[1] [These headings are in the margin in the original MS.]
[2] ['limnes' originally written 'lymes of it']
[3] ['that in' in margin.]

[a] See a relation of what then passed, before Wild began his speech, apud Rushw. p. 827, and Wild's speech entire, ibid. p. 828, &c. and in Pryn's Compl. Hist. p. 51, &c. [The substance of what passed was to this effect: The several Articles of Impeachment were read, and the Archbishop's answer, plea, and demurrer; and afterwards the Archbishop requested that he might answer the charge as a whole, and not each day's evidence separately; which request, on the showing of Mr. Maynard, who argued against it, was refused. The Archbishop then requested that the articles which contained matters of treason might be severed from the rest: which Maynard opposed, because they were met to examine matters of fact and not of law, and because all the Articles together, not each Article by itself, made up the treason with which the Archbishop was charged.]

Die Primo. After this he proceeded to give reasons why I was not sooner proceeded against, having now lain by it above three years. The first reason he gave, was the 'distractions of the time.' And they indeed were now grown great; but the distractions which were now, can be no argument why I was not proceeded against at the beginning of the Parliament[1], when things were in some better quiet. His second reason was the 'death of some persons[b].' But this could be no reason at all: for if the[2] persons he speaks of were witnesses against me, more might die[3], but the dead could not be made alive again by this delay; unless Mr. Sergeant had some hope, the resurrection might have been by this time, that so he might have produced them. And if the persons were Members of the House of Commons, as all men know Mr. Pym was in the chair for preparation of my trial; then this is known too, that Mr. Pym came up to the Committee of Lords full of great hopes, to prove God knows what against me. The persons to be examined[4], were William, Ld. Bp. of London[c], and Matthew, Ld. Bp. of Ely[d], my very worthy friends, and men like to know as much of me as any men. A lord then present told me, there were some eighteen or nineteen Interrogatories[5], upon which these bishops were to be examined against me, concerning my intercourse with Rome; but all were built upon the first, which was their knowledge of the man who, it seems, was thought to be my 25 chief agent in that secret. But both the bishops denying upon their oaths, that they, or either of them ever knew any such man, all the rest of the interrogatories, what relations he had to me, and the like, must needs fall to nothing, as they did: and the lord told me further, he never saw Mr. Pym and the rest so[6] abashed at anything in his life. After this Mr. Pym (as 'tis well known) gave over that chair,

[1] ['of the Parliament' in margin.] [2] ['the' originally written 'those']
[3] ['die,' originally written 'die by this putting off,']
[4] ['examined,' originally written 'examined against me,']
[5] ['Interrogatories,' originally written 'Articles,'] [6] ['so' orig. 'more']

[b] "The death and dispersion of our witnesses, the loss of some of our members, who have been employed and taken pains in this business." So Wild's Speech apud Pryn, p. 51.

[c] [William Juxon, at the restoration Archbishop of Canterbury.]

[d] [Matthew Wren; after undergoing the severest persecutions, he was restored in 1660 to his bishopric, and died in 1667.]

despairing to do that against me which was desired. His third reason was a good large one, and that was 'other impediments[e].' And that's true, some impediments there were, no doubt, or else I had come sooner to hearing. And, as I conceive, a chief impediment was, that there was not a man whose malice would make him diligent enough to search into such a forsaken business, till Mr. Pryn offered himself to that service: for I think I may be confident, that [1] that honourable and great House would not seek any man out of their own body for any such employment [2], had not suit, some way or other, been made for it. Die Primo.

After these reasons given for the delay of my trial, he fell upon me again as foul as at first; as, that I was the author of all the extravagants in the Government, and of all the concussions in the State; that the quality of my person aggravated my crime; that my abilities and gifts were great, but that I perverted them all; and that I was guilty of 'treason in the highest altitude[f].' These were the liveries which he liberally gave me, but I had no mind to wear them. And yet I might not desire him to wear this cloth himself, considering where I then stood, and in what condition.

This 'treason in the altitude,' he said, was in my endeavour to alter the religion established by law, and to subvert the laws themselves; and that to effect these I left no way unattempted. For religion, he told the Lords, that I laboured a reconciliation with Rome; that I maintained Popish and Arminian opinions; that I suffered transubstantiation [g], justification by merits, purgatory, and what not, to be openly preached all over the kingdom; that I induced superstitious ceremonies, as consecrations of churches and chalices, and pictures of Christ in glass windows [h]; that I gave liberty to the profanation of the Lord's-day; that I held intelligence

[1] ['confident, that' in margin.]
[2] ['for any such employment,' on opposite page.]

[e] "The multitude of diversions, which we have had and have daily." So Wild's Speech, ibid.

[f] "Treason in the highest pitch and altitude." So Wild's Speech, p. 52.

[g] Transubstantiation is not mentioned in Wild's Speech, apud Pryn, p. 52.

[h] The particular ceremonies charged with Popery and superstition, are not named in Wild's Speech, ibid.

Die Primo. with cardinals and priests, and endeavoured to ascend to papal dignity,—offers being made me to be a cardinal.

And for the laws, he was altogether as wild in his assertions, as he was before for religion. And if he[1] have no more true sense of religion, than he[2] hath knowledge in the law, (though it be his profession,) I think he may offer both long enough to sale[3][i], before he find a chapman for either. (103) And here he told the Lords, that I held the same method for this, which I did for religion. And surely that was to uphold both, had the kingdom been so happy as to believe me. But he affirmed (with great confidence)[j], that I caused sermons to be preached in Court to set the King's prerogative above the law, and books to be printed to the same effect; that my actions were according to these. Then he fell upon the Canons, and discharged them upon me. Then, that I might be guilty enough, (if his bare word could 2
make me so,) he charged upon me the benevolence, the loan, the ship-money, the illegal pulling down of buildings, inclosures; saying, that as Antichrist sets himself above all that is called God, so I laboured to set the King above all that is called law. And after a tedious stir, he concluded his speech with this, That I was like Naaman the Syrian, a great person (he confessed), but a leper. So ended this noble Celeustes[4][i].

I was much troubled to see myself in such an honourable assembly made so vile. Yet, seeing all men's eyes upon me, I recollected myself, and humbly desired of the Lords two things: "One, that they would expect proof, before they[5] give up their belief to these loud but loose assertions; especially, since it is an easy thing for men, so resolved, to conviciate, instead of accusing; when as the rule given by Optatus holds firm, *Quum intenditur crimen*[k], when a crime is objected, (especially so high a crime as this charged on

[1] ['if he' originally 'he'] [2] ['he' interlined.]
[3] ['to sale,' in marg.]
[4] ['this noble Celeustes.' originally 'this Celeustes.']
[5] ['they' interlined.]

[i] [These two expressions are noted by Archbishop Sancroft.]

[j] None of the particulars, which follow to the end, (save the conclusive sentence,) are to be found in Wild's Speech, apud Pryn; but only some general invectives and accusations to this purpose.—H. W.

[k] Optat. lib. vi. cont. Parmenianum, [p. 114. Paris. 1679.]

me,) 'tis necessary that the proof be manifest, which yet against me is none at all. The other, that their Lps. would[1] give me leave, not to answer this gentleman's particulars, (for that I shall defer till I hear his proofs,) but to speak some few things concerning myself, and this grievous impeachment brought up against me." Die Primo.

Which being yielded unto me, I then spake as follows[1]:—

"My Lords,—My being in this place and in this condition, recalls to my memory that which I long since read in Seneca: *Tormentum est, etiamsi absolutus quis fuerit, causam dixisse*[m]: 'Tis not a grief only, no, 'tis no less than a torment, for an ingenuous man to plead criminally, much more capitally[n], at such a bar as this; yea, though it should so fall out, that he be absolved. The great truth of this I find at present in myself; and so much the more, because I am a Christian; and not that only, but in Holy Orders; and not so only, but by God's grace and goodness preferred to the greatest place this Church affords; and yet now brought, *causam dicere*, to plead, and for no less than life, at this great bar. And whatsoever the world thinks of me, (and they have been taught to think more[o] ill than, I humbly thank Christ for it, I was ever acquainted with,) yet, my Lords, this I find, *tormentum est*, 'tis no less than torment to me to appear in this place to such an accusation.

"Nay, my Lords, give me leave, I beseech you, to speak plain truth. No sentence, that can justly pass upon me, (and other I will never fear from your Lps.,) can go so near me as *causam dixisse*, to have pleaded for myself upon this occasion and in this place. For as for the sentence, (I thank God for it,) I am at[2] St. Paul's ward: 'If I have committed anything worthy of death, I refuse not to die[p];' for I bless God, I have so spent my time, as that I am neither ashamed to live, nor

[1] ['their Lps. would' originally 'your Lps. will']
[2] ['at' interlined.]

[1] This Speech is extant also in Rushw. p. 830, &c.; Heylin, p. 516, &c.; Pryn, p. 53, &c. [H. Wharton's note in the marg. of the MS. is this: "An imperfect copy of this Speech is published by Mr. Prynn, in his History of the Trial, p. 51, &c., and from him by Dr. Heylin, in Cypr. Angl. p. 516, &c."]

[m] Sen. lib. vi. de Benef. c. 28. [p. 293. Bipont. 1782.]

[n] 'capitally or criminally,' Rushworth and Pryn.

[o] 'much more' Rushw. and Pryn.

[p] Acts xxv. 11.

ie Primo. afraid to die. Nor can the world be more weary of me, than I am of it; for seeing the malignity which hath been raised against me by some men, I have carried my life in my hands these divers years past. But yet, my Lords, if none of these things, whereof these men accuse me, merit death by law; though I may not in this case, and from this bar, appeal 2 unto Cæsar; yet to your Lordships' justice and integrity, I both may, and do appeal; not doubting, but that God of His goodness will preserve my innocency. And as Job, in the midst of his affliction, said to his mistaken friends, so shall I to my accusers: 'God forbid I should justify you; till I die I will not remove my integrity from me; I will hold it fast, and not let it go; my heart shall not reproach me, as long as I live[q].'

"My Lords, I see by the Articles, and have now heard from this gentleman, that the charge against me is divided into two main heads: [r] the laws of the land, and the religion by those laws established.

"For the laws first, I think I may safely say, I have been, to my understanding, as strict an observer of them all the days of my life, so far as they concern me, as any man hath; and since I came into place, I have followed them, and been as much guided by them, as any (104) man that sat where I had the honour to sit. And for this I am sorry I have lost the witness[s] of the Lord Keeper Coventry, and of some other persons of honour, since dead. And the learned Counsel at law, which attended frequently at the Council-table, can witness (some of them[t]) that in references to that Board, and in debates arising at the Board, I was usually for that part of the cause where I found law to be. And if the counsel desired to have their client's cause referred to the law, (well I might move in some cases for charity, or conscience, to have admittance, but) to the law I left them, if thither they would go. And how such a carriage as this through the whole course of my life, in private and public, can stand with an intention, nay a practice to overthrow the

[2] ['client's' originally 'counsell']

[q] Job. xxvii. 5.

[r] 'an endeavour to subvert' [added by] Rush. and Pryn.

[s] 'testimony' Rush. and Pryn.

[t] 'here present' Heylin, and Rush. and Pryn.

law, and to introduce an arbitrary government, which my soul hath always hated, I cannot yet see. And 'tis now many years since I learned of my great master (*in humanis*), Aristotle[u], *Periculosum esse;* that it is a very dangerous thing to trust to the will of the judge, rather than the written law. And all kingdoms and commonwealths have followed his judgment ever since; and the school-disputes have not dissented from it[v]. Die Primo.

"Nay more, I have ever been of opinion, that human laws bind the conscience, and have accordingly made conscience of observing them. And this doctrine I have constantly preached, as occasion hath been offered me. And how is it possible I should seek to overthrow those laws, which I held myself bound in conscience to keep and observe? Especially, since an endeavour to overthrow law, is a far greater crime than to break or disobey any particular law whatsoever; all particulars being swept away in that general. And, my Lords, that this is my judgment, both of parliaments and laws; I beseech your Lordships that I may read a short passage in[1] my book against Fisher the Jesuit, which was printed and published to the world before these troubles fell on me, and before I could so much as suspect this charge could come against me; and therefore could not be purposely written to serve any turn[2]." (I had leave, and did read it; but for brevity's sake refer the reader to the book itself[x].)

"As for religion, I was born and bred up in, and under the Church of England, as it yet stands established by law. I have, by God's blessing and the favour of my Prince, grown up in it to the years which are now upon me, and to the place of preferment which I yet[y] bear. And in this Church, by the grace and goodness of God, I resolve to die.

[1] ['in' originally 'out']
[2] ['and therefore . . . turn.' on opposite page.]

[u] Arist. ii. Polit. c. 7, 8. [The two passages referred to, are the following: Διόπερ οὐκ αὐτογνωμόνως βελτίον κρίνειν, ἀλλὰ κατὰ τὰ γράμματα καὶ τοὺς νόμους. —Cap. vii. (al. ix.) p. 68. Oxon. 1810. And, Τὸ μὴ κατὰ γράμματα ἄρχειν, ἀλλ' αὐτογνωμόνως, ἐπιτφαλές.—Cap. viii. (al. x) p. 73.]

[v] Tho. ii. 2æ. q. 60. Ar. 5. [The 'Conclusio' of this Article is; "Necessarium est, quodvis judicium semper secundum legis scripturam fieri."]

[x] Confer. with Fisher, § 26. num. 14. p. 211. [Lond. 1639.; pp. 234, 235. of the present edition.]

[y] 'now' Rush. and Pryn.

Die Primo. "I have, ever since I understood aught in Divinity, kept one constant tenor in this my profession, without variation or shifting from one opinion to another, for any worldly ends. And if my conscience would have suffered me to shift tenets in religion with time and occasion, I could easily have slid through all the difficulties which have pressed upon me in this kind. But, of[1] all diseases, I have ever hated a palsy in religion[x]; well knowing, that too often a dead-palsy ends that disease, in the fearful forgetfulness of God and His judgments.

"Ever since I came in place, I laboured nothing more, than that the external public worship of God (too[a] much slighted in most parts of this kingdom) might be preserved, and that with as much decency and uniformity as might be; being still of opinion, that unity cannot long continue in the Church, where uniformity is shut out at the church door. And I evidently saw, that the public neglect of God's service in the outward face of it, and the nasty lying of many places dedicated to that service, had almost cast a damp upon the true and inward worship of God; which, while we live in the body, needs external helps, and all little enough to keep it in any vigour. And this I did to[2] the uttermost of my knowledge, according both to law and canon, and with the consent and liking of the people. Nor did any command issue out from me against the one, or without the other, that I know of.

"Further, my Lords, give me leave, I beseech you, to tell you[3][b] this also: That I have as little acquaintance with recusants of any sort, as I believe any man of place in England hath[c]. And for my kindred, no one of them was ever a recusant, but Sir William Webb, grandchild to my uncle Sir W. Webb, sometimes Ld. Mayor of London; and him[d], with some of his children, I reduced back again to the Church of England, as is well known, and I as able to prove.

[1] ['of' interlined.] [2] ['did to' originally 'did according to']
[3] ['to tell you' originally written 'to acquaint you with']

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[x] 'held a palsy, &c. most dangerous;' Rushw.
[a] 'so' Rush. and Pryn.
[b] 'acquaint you with' Rush. and Pryn.
[c] 'my place hath or ever had since the Reformation.' Rush. and Pryn.
[d] 'since which,' Rush. and Pryn.

"One thing more I humbly desire may be thought on: Die Primo.
'tis this; I am fallen into a great deal of obloquy in matter of religion, and that so (105) far, as that 'tis charged in the Articles, that I have endeavoured to advance and bring in Popery. Perhaps, my Lords, I am not ignorant what party of men have raised this scandal upon me, nor for what end, nor perhaps by whom set on. But, howsoever, I would fain have a good reason given me, (if my conscience lead me[e] that way, and that with my conscience I could subscribe to the Church of Rome,) what should have kept me here (before my imprisonment) to endure the libels[f], and the slanders, and the base usage in all kinds, which have been put upon me,—and these to end in this question for my life. I say, I would fain know a good reason of this.

"For first, my Lords, is it because of any pledges I have in the world to sway me against my conscience? No, sure. For I have nor wife nor children, to cry out upon me to stay with them; and if I had, I hope the call of my conscience should be heard above them.

"Or, secondly, is it because I was loth to leave the honour and the profit of the place[1] I was risen unto? Surely no: for I desire your Lordships and all the world else should know, I do much scorn honour and profit, both the one and the other, in comparison of my conscience. Besides, it cannot be imagined by any reasonable man, but that if I could have complied with Rome, I should not have wanted either[2] honour or profit. And suppose I could not have so much of either, as here I had, yet sure, would my conscience have served me that way, less of either with my conscience would have prevailed with me, more than greater against my conscience.

"Or, thirdly, is it because I lived here at ease, and was loth to venture the loss of that? Not so neither: for whatsoever the world may be pleased to think of me, I have led a very painful life, and such as I could have been very well content to change, had I well known how. And had my conscience led[g] me that way, I am sure I might have lived at

[1] ['place' interlined.] [2] ['either' originally written 'both']

[e] 'stood' Rush. and Pryn.
[f] 'libelling,' Rush. and Pryn.
[g] 'served' Rush. and Pryn.

Die Primo. far more ease; and either have avoided the barbarous libellings, and other bitter and grievous scorns which I have here endured, or at the least been out of the hearing of them. Nay, my Lords, I am as[1] innocent in this business of religion, as[2] free from all practice, or so much as thought of practice for any alteration to Popery, or any way blemishing the true Protestant religion established in the Church of England, as I was when my mother first bare me into the world. And let nothing be spoken against me but truth, and I do here challenge whatsoever is between heaven and hell, to say their worst against me in point of my religion: in which, by God's grace, I have ever hated dissimulation; and had I not hated it, perhaps it might have been better with me for worldly safety, than now it is. But it can no way become a Christian bishop to halt with God.

"Lastly, if I had any purpose to blast the true religion established in the Church of England, and to introduce Popery; sure I took a very wrong way to it. For, my Lords, I have stayed as many [h] that were going to Rome, and reduced as many [i] that were already gone, as (I believe) any bishop or other minister in this kingdom hath done; and some of them men [3] of great abilities, and some of them [k] persons of great place. And is this the way, my Lords, to introduce Popery? I beseech your Lps., consider it well. For surely, if I had blemished the true Protestant religion, I could not have settled such men in it[4]: and if I had purposed [l] to introduce Popery, I would never have reduced such men from it.

"And though it please the author of the 'Popish Royal Favourite,' to say, 'That scarce one of the swaying lord prelates is able to say, that ever he converted one papist to our religion [m];' yet how void of charity this speech of his is, and how full of falsehood, shall appear by the number of

[1] ['as' originally written 'so'] [2] ['as' orig. written 'so']
[3] ['men' originally written 'persons']
[4] ['I could . . . in it:' originally written, 'how could I have settled' &c.]

[h] 'more' Rush. and Pryn.
[i] 'more' Rush. and Pryn.
[k] 'men of great abilities, and some' Rush. and Pryn.
[l] 'promised' Rush. and Pryn.
[m] W. Pryn in his Popish Royal Favo. p. 71. [This is Archbishop Laud's own note.] Pryn, in printing the Archbishop's Speech, omitteth this whole passage concerning himself.—H. W.

those persons, whom, by God's blessing upon my labours, Die Primo.
I have settled in the true Protestant religion established in
226 England: and with your Lps'. leave, I shall name them, that you may see both their number and their condition; though I cannot set them down in that order of time, in which I either converted or settled them.

"1. And first, Hen. Birkhead of Trinity Coll. in Oxford [n], was seduced by a Jesuit, and brought up to London to be conveyed beyond the seas. His friends complained to me: I had the happiness to find him out, and the blessing from God to settle his conscience. So he returned to Oxford, and there continued [o].

"2. } Two daughters of Sir Rich. Lechford in Surrey [p]
3. } were sent to sea to be carried to a nunnery. I heard of it, and caused them to be brought back, before they were got out of the Thames. I settled their consciences, and both of them sent me great thanks, since I was a prisoner in the Tower.

(106) "4. } Two scholars of St. John's Coll. in Cambridge,
5. } Topping and Ashton, had slipped away from the College, and here at London had got the French ambassador's pass, (I have the pass to show): I found means to get them to me, and I thank God settled both their minds, sent them back to their College. Afterwards hearing of Topping's wants, I allowed him means till I procured him a Fellowship [q]: and he is at this time a very hopeful young man [r], as most of his time in that University, a minister, and chaplain in house

[n] [Henry Birkhead, or Birchhead, afterwards elected Fellow of All Souls College by Archbishop Laud's influence. He retained his Fellowship during the Rebellion, but resigned it at the Restoration, and became Registrar of the Diocese of Norwich. He was the founder of the Professorship of Poetry. (Wood, Ath. Ox. iv. 573.)]

[o] See Rushworth, p. 832, who relateth, that when some of the Lords, hearing the name of Birkenhead, and imagining him to be the author of the Oxford Aulicus, smiled at it; the Archbishop taking notice of it, stopped and assured the Lords, that he meant not him, but another person of like name. Yet after all, Pryn, in publishing this speech, hath the impudence to affirm in the margin of his book, that this convert of the Archbishop's was "the author of all the libellous Popish Oxford Aulicus's," although he knew full well, that his name was John Birkenhead; and adds, that at the naming of this convert, most of the lords and auditors smiled; but saith not one word of the Archbishop's correction of their mistake.—H. W. [Henry Wharton is mistaken in this remark of his relating to Prynne (see Prynne's Cant. Doom, p. 55.)]

[p] [Of Shelwood in that county.]

[q] 'in St. John's:' Rush. and Pryn.

[r] [He held his Fellowship till he was ejected by the Engagement. (Walker's Sufferings, par. ii. p. 150.)]

Die Primo. at this present to the Right Honourable the Earl of Westmerland[a].

"6. 7. 8. Sir Wi. Webb my kinsman, and two of his daughters; and the better to secure them in religion, I was at the charge (their father being utterly decayed[t]) to marry them[1] to two religious Protestants; and they both continued very constant. 9. And his eldest son I took from him, placed him with a careful divine[u], maintained him divers years, and then settled him with a gentleman of good worth.

"10. 11. The next, in my remembrance, was the Lord Maio, of Ireland[v], who, with another gentleman (whose name I cannot recal), was brought to me to Fulham, by Mr. Jefford[x], a servant of his Majesty's, and well known to divers of your Lordships.

"12. The Right Honourable the Ld. Duke of Buckingham was almost lost from the Church of England, between the continual cunning labours of Fisher the Jesuit, and the persuasions of the Lady his mother[y z]. After some miscarriages, King James of ever blessed memory commanded me to that service. I had God's blessing upon me so far, as to settle my Ld. Duke to his death. 13. And I brought the Lady his mother[a] to the Church again; but she was not so happy as to continue with us.

"14. The Lady Marquis (*sic*) Hamilton[b] was much solicited by some priests, and much troubled in mind about it. My Ld. spake with me of it; and though at that present I was 22
so overlaid with business, that I could not (as I much desired)

[1] ['them' interlined.]

[a] [Mildmay Fane, second Earl of Westmoreland.]

[t] [He was supported in a measure by the Archbishop, as appears from a receipt given by him to the Archbishop for 20*l.*, endorsed in the Archbishop's own hand, now preserved in the Tanner MSS. vol. lxx. fol. 100.]

[u] [Thomas Webbe, placed under the charge of Bancroft, Bishop of Oxford. See Hist. of Chancellorship, p. 261 of this Edit.]

[v] [Prynne terms him, in his marginal note, 'a great actor in the late Irish Rebellion against the Protestants.']

[x] 'Chesford,' Rush. and Pryn.

[y] 'and sister.' Rush. and Pryn.

[z] [Mary, the widow of Sir George Villiers, Countess of Buckingham in her own right: after her first husband's death she married, first, Sir William Rayner, and secondly, Sir Thomas Compton.]

[a] 'Right Honourable the Countess of Buckingham,' Rush. and Pryn.

[b] [Lady Mary Feilding, daughter of William Earl of Denbigh, by Susanna sister to George Duke of Buckingham. She married James Duke of Hamilton.]

wait upon that honourable person myself; yet I told my Ld. Die Primo.
I would send one to his Lp., that should diligently attend that service, and that I would give him the best direction I could. And this I did, and, God be thanked, she died very quietly, and very religiously, and a good Protestant: and my Lord Marquis told me, he had acknowledged this service of mine to an honourable lord, whom I now see present.

"15. Mr. Chillingworth's[c] learning and abilities are sufficiently known to all your Lordships. He was gone, and settled at Doway. My letters brought him back; and he lived and died a defender of the Church of England. And that this is so, your Lps. cannot but know: for Mr. Pryn took away[1] my letters, and all the papers which concerned him, and they were examined at the Committee[d].

"16. 17. } Mr. Digby was a priest; and Mr. James Gentleman[e], a schoolmaster in a recusant's house. This latter was brought to me by a minister (as far as I remember) in Buckinghamshire. I converted both of them, and they remain settled.

"18. Dr. Hart, a civilian[f], son to a neighbour of mine at Fulham. He was so far gone, that he had written part of his 'Motives' which wrought, as he said, that change in him. I got sight of them; showed him wherein he was deceived; had God's blessing to settle his conscience; and then caused an able divine to answer his 'Motives,' and give him the copy.

"19. There were beside these, Mr. Christopher Seburn, a gentleman of an ancient family in Herefordshire; and Sir Wi. Spencer of Yarnton in Oxfordshire[g].

"20. 21. } The sons and heirs of Mr. Wintchome[h], and Mr. Williscot[i], whom I sent with their friends' good

[1] ['took away' in margin.]

[c] "A desperate apostate-papist; Mr. Cheynel's sermon at his funeral informs us how good a Protestant he lived and died." Thus godly Will. Pryn in his marginal note on this place, p. 56. [There are several other marginal notes by Prynne in the same style, which it is not thought worth while to introduce.]

[d] [It is not necessary to give any account of so well known a person as Chillingworth. Antony Wood's Memoir may be consulted, and the Life prefixed to his Works. It may be stated, however, that there are in MSS. Lamb. Numb. 943, pp. 857—935, several papers relating to Chillingworth, and some of his own letters.]

[e] 'a gentleman,' Rushw. and Pryn.

[f] [This was probably Rich. Hart of Alban Hall.]

[g] [The second baronet. The baronetcy is now extinct.]

[h] 'Winchcomb,' Rushw. and Pryn.

[i] 'Wollescot,' Rushw. and Pryn.

Die Primo. liking to Wadham College in Oxford; and I received a certificate, *anno* 1638, of their continuing in conformity to the Church of England: nor did ever any of these relapse again to Rome, but only the old Countess of Buckingham, and Sir Wi. Spencer, that ever I heard of[k]. And if any of your Lordships doubt of the truth of any of these particulars, I am able and ready[1] to bring full proof of them all. And by this time I hope it appears, 'that one[2] of the swaying prelates of the time is[3] able to say, he hath converted one papist to the Protestant religion.' And let[4] any clergyman of England[5] come forth, and give a better account of his zeal to this present Church.

"And now, my Lords, with my most humble thanks for your Lps.' favour and patience in hearing me, I shall cease to be further troublesome for the present; not doubting but I shall be[6] able to answer whatever shall be particularly objected against me."

(107) After I had ended this speech, I was commanded to withdraw. As I went from the bar, there was Alderman Hoyle of York[l], and some other, which I knew not, very angry, and saying, it was a very strange conversion that I was like to make of them; with other terms of scorn. I went patiently into the little Committee-chamber at the entering into the House. Thither Mr. Peters[m] followed me in great haste, and began to give me ill language, and told me that he, and 2
other ministers, were able to name thousands, that they had converted[n]. I knew him not, as having never seen him (to my remembrance) in my life, though I had heard enough of

[1] ['and ready' in margin.] [2] ['one' originally written 'some']
[3] ['is' originally written 'was']
[4] ['And let' originally written 'And now let']
[5] ['of England' in margin.] [6] ['be' interlined.]

[k] 'It being only in God's power, not mine, to preserve them from relapse.' Rushw. and Pryn. Note, that the vulgar copies of this speech, printed in Rush. &c., are very different from this, being taken from the Archbishop's mouth as he spoke; this from the original, as he wrote it.—H. W.

[l] [Thomas Hoyle, M.P. for the city of York.]

[m] [This notorious person, Hugh Peters, was originally an actor; he was afterwards ordained by Bishop Montaigne, and became Lecturer of S. Sepulchre's; till he was obliged, on account of his profligate conduct, to leave England. On his return, he took so active a part with the factious party, particularly in the King's death, that he was especially excepted from the Act of Pardon, and was hung and quartered in 1660.]

[n] 'Hundreds of real converts to Christ, for every one of his pretended ones, and that himself had converted above 120 papists.' Pryn, p. 56.

him. And as I was going to answer him, one of my counsel, Mr. Hearn, seeing how violently he began, stepped between us, and told him of his uncivil carriage towards me in my affliction: and indeed he came as if he would have struck me. By this time, some occasion brought the E. of Essex into that room, and Mr. Hearn complained to him of Mr. Peters his usage of me; who very honourably checked him for it, and sent him forth. Not long after[1], Mr. Hearn was set upon by Alderman Hoyle, and used as coarsely as Peters had used me, and (as far as I remember) only for being of counsel with such a one as I; though he was assigned to that office by the Lords. Die Primo.

What put them into this choler, I know not; unless they were angry to hear me say so much in my own defence; especially for the conversion of so many, which I think they little expected. For the next day a great lord met a friend of mine, and grew very angry with him[2] about me; not forbearing to ask what I meant, to name the particulars, which I had mentioned in the end of my speech, saying, many godly ministers had done more. And not long after this, (the day I now remember not,) Mr. Peters[3] came and preached at Lambeth, and there told them in the pulpit, that a great prelate, their neighbour, (or in words to that effect,) had bragged in the Parliament-house, that he had converted two-and-twenty; but that he had wisdom enough, not to tell how many thousands he had perverted; with much more abuse. God of His mercy relieve me from these reproaches, and lay not these men's causeless malice to their charge.

After a little stay, I received my dismission for that time, and a command to appear again the next day at nine in the morning; which was my usual hour to attend, though I was seldom called into the House in two hours after.

[1] ['after,' interlined.] [2] ['him' interlined.]
[3] ['Mr. Peters' interlined.]

CAP. XXIII. 22

THE SECOND DAY OF MY HEARING.

Mar. 13, 164½. Die Secundo. I CAME as commanded. But here before the charge begins, I shall set down the Articles, upon which, according to the order of March 9, they which were entrusted with the evidence, meant this day to proceed. They were the first and second original Articles, and the second additional Article; which follow in these words:—

1. *That he hath traitorously endeavoured to subvert the fundamental laws and government of the kingdom of England, and instead thereof, to introduce an arbitrary and tyrannical government against law; and to that end hath wickedly and traitorously advised his Majesty, that he might at his own will and pleasure levy and take money of his subjects, without their consent in Parliament; and this he affirmed was warrantable by the law of God.*
2. *He hath for the better accomplishment of that his traitorous design, advised and procured divers sermons and other discourses to be preached, printed, and published; in which the authority of Parliaments, and the force of the laws of the kingdom, are denied, and an absolute and unlimited power over the persons and estates of his Majesty's subjects is maintained and defended, not only in the King, but also in himself and other bishops, above and against the law; and he hath been a great protector, favourer, and promoter of the publishers of such false and pernicious opinions.*

Second additional Article:—

2. *That within the space of ten years last past, the said Archbishop hath treacherously endeavoured to subvert the*

fundamental laws of this realm; and to that end hath in like manner endeavoured to advance the power of the Council-table, the Canons of the Church, and the King's prerogative, above the laws and statutes of the realm. And for manifestation thereof, about six years last past, being then a privy counsellor to his Majesty, and sitting at the Council-table, he said, 'That as long as he sat there, they should know that an order of that Board should be of equal force with a law or act of Parliament.' And at another time used these words, 'That he (108) *hoped ere long, that the Canons of the Church and the King's prerogative should be of as great power as an Act of Parliament.' And at another time said, 'That those which would not yield to the King's power, he would crush them to pieces.'* Die Secundo.

These three Articles they begun with; and the first man appointed to begin was Mr. Maynard. And after some general things against me, as if I were the most violent man for all illegal ways; the first particular charged against me[1] was out of my Diary. The words these: 'The King declared his resolution for a Parliament in case of the Scottish Rebellion. The first movers of it were my Lord Deputy of Ireland, the Lord Marquis Hamilton, and myself. And a resolution voted at the Board, to assist the King in extraordinary ways, if the Parliament should prove peevish, and refuse, &c.[a]' The time was Decemb. 5, 1639. That which was enforced from these words was, first, that I bestowed the epithet 'peevish' upon the Parliament; and the second, that this voting 'to assist the King in extraordinary ways, in case the Parliament refused,' proceeded from my counsel. I.

1. To this I replied: And first I humbly desired o nce for all[2], that all things concerning law may be saved entire unto me, and my Counsel to be heard in every such particular.

2. Secondly, That the epithet 'peevish' was a very peevish word, if written by me. "I say, 'if:' for I know into whose

[1] ['the first . . . against me' in marg.]
[2] ['once for all,' in marg.]

[a] [See vol. iii. p. 233.]

Die Secundo.

hands my book is fallen; but what hath been done with it I know not. This is to be seen, some passages in that book are half burnt out[b], whether purposely, or by chance, God knows: and some other papers taken by the same hand from me, are now wanting. Is it not possible therefore some art may be used in this?" Besides, if I did use the word 'peevish,' it was in my private pocket-book, which I well hoped should never be made public; and then no disgrace thereby affixed to the[1] Parliament. And I hope, should a man forget himself in such an expression of some passage in some one Parliament, (and this was no more,) it[2] is far short of anything that can be called[3] treason. And yet further, most manifest it is in the very words themselves, that I do not bestow the title upon that Parliament, in that case; but say only, 'if it should prove peevish;' which is possible, doubtless, that in some particulars a Parliament may: though for the happiness of this kingdom, I would to God it were impossible. But suppose the word 'peevish' had been[4] absolutely spoken by me; is it lawful upon record to say the Parliament *an.* 42 Hen. III. was *insanum Parliamentum,* a mad Parliament; and that in the 6 Hen. IV. *indoctum,* an unlearned Parliament; and that in the 4 Hen. VI. a Parliament of clubs[c]? And shall it be high treason in me to say a Parliament in some one particular was peevish? or but to suppose if it were? Can any man think, that an unlearned, or a mad Parliament, or one of clubs, did not do something peevishly? Might my predecessor, Tho. Arundel, tell the Commons openly in Parliament, that their petitions were sacrilegious[d]? And may not I so much as suppose some one action of a Parliament to be peevish, but it shall be treason? May an ordinary historian say of that unlearned Parliament, that the Commons were fit to enter common with their cattle[e], for any virtue they had

[1] ['the' interlined.] [2] ['it' interlined.]
[3] ['anything . . . called' on opposite page.]
[4] ['had been' originally 'were']

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[b] [See vol. iii. p. 235.]
[c] Sir Ed. Cook, Inst. p. 3. c. 1. [p. 2. Lond. 1648.]
[d] Speed, in Hen. IV. § 42. [p. 619. col. 1. Lond. 1611.]
[e] Ibid. [infra.]

more than brute beasts? And may not I in my private notes write the word 'peevish' of them without treason[1]? Die Secundo.

231 3. Thirdly, Whereas 'tis said, 'That the voting at the Council-table to assist the King in extraordinary ways, if &c., was by my counsel:' there is no such thing in my Diary. There is, that I with others advised a Parliament: but there is not one word, that the voting mentioned at the Council-table proceeded from any advice of mine. So there is no proof from my Diary; "and other proof beside that, was not so much as urged; which was not in favour, but because they had it not. For had they had any other proof, I see already, it should not have been lost for want of urging[2]." Where, I desired their Lps. also to observe, in what a difficulty I have lived with some men, who will needs make me a great enemy to Parliaments, and yet are angry with me, that I was one with others who moved for that Parliament. So it seems, nothing that I do can content some men, for a Parliament, or against it; nothing must be well, if the counsel be mine.

4. Fourthly, For 'the voting of assistance in extraordinary ways,' I was included in the general vote of the Table; and therefore that cannot be called or accounted my counsel.

5. Fifthly, It is expressed in my Diary, whence all this proof is taken, that it was in and for the Scottish business, and so is within the Act of Oblivion[f]. "And these answers I gave to Mr. Brown, when, in the summing up of the charge against me in the honourable House of Commons, he made this to be my counsel to the King: and he began with it, in his charging of the points against law[3]."

The second particular this day charged against me, was, That after the ending of the late Parliament, I did use these words to the King, 'That now he might use his own power,' or words to that effect. This was attested by Sir Henry Vane the elder, then a counsellor, and present[g]. II.

[1] ['But suppose the word . . . treason?' on opposite page.]
[2] ['For had they . . . urging.' on opposite page.]
[3] ['Fourthly, . . . against law.' on a separate paper.]

[f] [See above, p. 45.]
[g] [The examination of Sir H. Vane had been taken by Commission, by order of the House, he being too ill to attend. The substance of the evidence is given in Lords' Journals, March 13.]

Die Secundo.

1. To this my answer was, That I spake not these words, either in terms, or in sense, to the uttermost of my memory.

2. Secondly, If I had spoken these words, either they were ill-advised words, but no treason; and then they come not home to the charge: or they are treasonable, and then I ought by law to have been tried within six months [h]. "Mr. Brown, in his reply to me in the House of Commons, said, That this statute expired with the Queen, because it concerned none but her, and the heirs of her body. I had here urged Sir Edward Coke [i], as urging this statute, and commending the moderation of it. But I was therein mistaken, for he speaks of 1 Eliz. c. i.[j] And that statute is in force, and is for trial within six months, for such crimes as are within that statute. So it comes all to one for my cause, so either of the statutes be in force. And to this charge in general, I gave the same answers which are here [1]."

3. Thirdly, Sir Hen. Vane is in this a single witness; whereas by law, he that is accused of treason, must be convicted by two witnesses, or his own confession without violence [k]; neither of which is in this case: "And strange it is to me, that at such a full Table, no person of honour should remember such a speech, but Sir Henry Vane [2]."

4. Fourthly, Both this and the former charge relate to the 232
Scottish business, and so are within the Act of Oblivion, which I have pleaded.

"Besides, here is nothing expressed in the words charged, which savours of practice, conspiracy, combination of force; and cannot therefore (109) possibly be adjudged treason; especially since there is no expression made in the words witnessed, what power is meant. For what should hinder the King to use his own power, but legal still; since nothing is so properly a King's own power, as that which is made or declared his own by law. As for the [3] inference, That 'this was called his own, in opposition to law:' first, Sir Henry

[1] ['Mr. Brown, . . . are here.' inserted afterwards, mostly on a separate paper.]
[2] ['And strange . . . Vane.' inserted afterwards, mostly on a separate paper.]
[3] ['the' interlined.]

[h] 1 Eliz. c. 6. § antepenult.
[i] Part 4. Instit. c. 74. [p. 324.]
[j] 1 Eliz. c. 1. [§ 31.] and 1 Ed. VI. c. 12. [§ 19.]
[k] 1 Ed. VI. c. 12. § ult. and 1 Eliz. c. 6. § ult.

Vane is a witness to the words only, and not to any inference: so the words have but one witness, and the [1] inference none. And perhaps it were as well for themselves, as for persons questioned in great courts, if they who are employed about the evidence would be more sparing of their inferences; many men laying hold of them without reason or proof[l]. Die Secundo.

"Lastly, for the honour of Sir Henry Vane let me not forget this; he is a man of some years, and memory is one of the first powers [2] of man on which age works; and yet his memory so good, so fresh, that he alone can remember words spoken at a full Council-table, which no person of honour remembers but himself. Had any man else remembered such words, he could not have stood single in this testimony. But I would not have him brag of it: for I have read in St. Augustin [m], that *quidam pessimi*, some, even the worst of men, have great memories, and are *tanto pejores*, so much the worse for having them. God bless Sir Henry."

I have stayed the longer upon these two, because they were apprehended to be of more weight than most which follow. The next was a head containing my illegal pressures for money, under which the next particular was [3], That in III. the case of ship-money I was very angry against one Samuel Sherman of Dedham in Essex. That I should say Dedham was a maritime town: and that when the sum demanded of him [4] was named, I should say, a proper sum; whereas the distress came to eleven subsidies [n].

To this I answered: First, here was no proof but Sherman; and in his own cause.

Secondly, he himself says no more, than that 'he believes' I was the instrument of his oppression (as he called it): whereas his censure was laid upon him by the Council-table, not by me; nor was I in any other fault, than that I was

[1] ['the' interlined.] [2] ['powers' originally written 'things']
[3] ['The next . . . was,' on opposite page. Originally written, 'The third particular was,'] [4] ['demanded of him' in margin.]

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[l] The dreadful licence of inferences among our English pleaders in cases of death. — Speed, in H. VII. § 61. [p. 746. col. 1.]

[m] ["Quidam vero pessimi memoria sunt mirabili, tanto pejores, quanto minus possunt, quod male cogitant, oblivisci."—S.] Aug. l. vii. de Civ. Dei, c. 3. [Op., tom. vii. col. 266. B.]

[n] [The sum demanded of the town of Dedham was 206*l.* (See Lords' Journals.)]

Die Secundo. present, and gave my vote with the rest. So here's no proof at all, but his belief.

"Lastly, here can be no treason, but against Dedham, or Sherman, that I can discover."

IV. The next to Sherman comes in my great friend, Alderman Atkins; and he testifies, That when he was brought to the Council-table, about the ship-money, none was so violent against him as I was, and that this pressure for ship-money was before the Judges had given sentence for the King[1]. And that at another time I pressed him hard to lend money, the King being present: at which time he conceived that I 23
favoured Alderman Harrison for country sake; because himself was committed, and not the other[2].

To this I must confess, I did use to be serious and zealous too in his Majesty's service; but not with any the least intention to violate law. And if this here instanced were before the judgment given for the King, yet it was long after the Judges had put the legality of it under their hands[o]. And I for my part could not conceive the Judges would put that under their hands to be law, which should after be found unlawful. Therefore in this, as I erred with honourable company at the Council-table, so both they and I had, as we thought, sufficient guides to lead us.

As for the partiality which he puts upon me in preserving my countryman, Alderman Harrison, from prison: First, he himself durst not affirm it upon his oath, but says only that 'he conceives' I favoured him; but his conceit is no proof. Secondly, if I had favoured him, and done him that office, 'tis far short of treason. But the truth is, Alderman Harrison gave a modest and a civil answer; but this man was rough, even to unmannerliness, and, so far as I remember, was committed for that.

"And whereas he says, I pressed him hard to lend money, and that none was so violent as I; he is much mistaken. For of all men in that fraternity, I durst never press him hard for anything, least of all for money. For I knew not

[1] ['and that . . . King.' on opposite page.]
[2] [Here originally added, but erased, 'And that this for ship-money.']

[o] [The Judges had delivered their opinion on the legality of ship-money February 163⅞; but judgment was not delivered against Hampden till June 14, 1638. (See Rushworth's Collections, vol. ii. pp. 355, 600.)]

what stuffing might fly out of so full a cushion, as afterwards, 'tis said[1], there did, when, being a[2] colonel, he was pressed, but not hard, in a little skirmishing in Finsbury Fields[p]." Die Secundo.

Then it was urged, that I aggravated a crime against Alderman Chambers, and told him, that if the King had many such chambers, he would have never a chamber to rest in: that in the case of tonnage and poundage he laboured to take bread from the King[q]: and that I pressed upon him in the business of coat and conduct-money. V.

(110) To this I gave this answer, That by the affection Mr. Chambers then showed the King, I had some reason to think, he desired so many chambers to his use[3], that if the King had many such subjects, he might want a chamber for himself; or to that effect[4]: and the violence of his carriage in that honourable assembly gave just occasion to other men to think so. But as for the business of tonnage and poundage[q], and of coat and conduct-money, I conceived both were lawful on the King's part. And I was led into this opinion by the express judgment of some lords present, and the silence of others in that behalf; none of the great lawyers at the table contradicting either: and no witness to this but Alderman Chambers himself.

The sixth particular was, That[5] I urged the business of ship-money upon Alderman Adams[r]. VI.

To this my answer was, That I never pressed the ship-money but as other lords did at the Council-table, nor upon other grounds: nor doth Ald. Adams say any more, than that he was pressed to this payment 'by me and others.' And to me it seems strange, and will, I hope, to all men else, that
234 this, and the like, should be a common act of the Lords at the Council-table, but should be high treason in nobody but in me. And howsoever, if it be treason, 'tis against three aldermen, Atkins, Chambers, and Adams.

The seventh particular was, That I was so violent about VII.

[1] ['tis said,' in marg.] [2] ['a' interlined.]
[3] ['his use,' in marg. Originally written 'himself,']
[4] ['or to that effect:' in marg.] [5] ['That' interlined.]

[p] [Archbishop Sancroft terms this 'an unsavoury passage,' and remarks on the quibble subsequently made on Alderman Chambers's name.]

[q] [See Rushworth's Collections, vol. i. p. 639, and vol. ii. p. 9.]

[r] [Addams and Warner were Sheriffs of London, 1639, 1640.]

die secundo.

the slighting of the King's proclamations, as that I said, A proclamation was of as great force, or equal to a statute-law: and that I compared the King to the stone spoken of in the Gospel, that 'Whosoever falls upon it shall be broken; but upon whomsoever it falls, it will grind him to powder[s].' And for this they brought three witnesses, Mr. Griffin, and Tho. Wood, and Rich. Hayles[1 t].

1. This was in the case of the soap-business, and the two[u] witnesses were soap-boilers. They and their Company slighted all the proclamations which the King set out[2]: and all the Lords in the Star-Chamber were much offended (as I conceive they had great reason to be) at the great and open daring of that whole Company. And whatsoever sentence passed upon them in that whole business, was given[3] by the Court of Star-Chamber, not by me.

For the words; First, these men have good memories, that can punctually, being plain ordinary men, swear words spoken full twelve years since: and yet, as good as their memory is, they swear doubtfully touching the time; as that the words were spoken in May 1632 or 33.

2. Secondly, my Lords, 'tis impossible these words should be spoken by me. For I think no man in this honourable presence thinks me so ignorant, as that I should not know the vast difference that is between an Act of Parliament and a Proclamation. Neither can these gentlemen which press the evidence think me so wilfully foolish so to speak, considering they accuse me here for a cunning delinquent. "So God forgive these men the falsehood and the malice of this oath[4]."

3. For the words spoken of the stone in Scripture, 'tis so long since, I cannot recal whether I said it or no; nor have I any great reason to believe these[5] angry witnesses in their own cause. But if, by way of allusion, I did apply that place to the King and them, 'tis far enough from treason. "And

[1] ['and Rich. Hayles.' in marg.]
[2] ['concerning that business' erased.]
[3] ['given' interlined.]
[4] ['the falschood . . . oath.' on opposite page.]
[5] ['these' originally written 'these two']

[s] S. Mat. xxi. 44.
[t] [The names as given in the Lords' Journals are 'Griffith, Woodstock, and Hay.']
[u] 'two of the'

let them, and their like, take heed lest it prove true upon themselves: for seldom do subjects fall upon their king, but in the end they are broken; and if it so happen that he falls upon them, they are ground to powder." And Salomon taught me this answer, where he says, 'The anger of a king is death[x].' And yet I would not be mistaken. For I do not conceive this is spoken of a king and his natural anger (though it be good wisdom to stir as little passion in kings as may be); but of his legal anger: according to which, if the stone roll strictly, few men can so live, but for something or other they may be in danger of grinding. Die Secundo.

4. And for these soap-boilers, they have little cause to be so vehement against me. For if the sentence passed against them in the Star-Chamber[y] were in anything illegal, though it were done by that court, and not by me; yet I alone, so soon as I heard but muttering of it, was the only means of resettling them and their trade, "which none of all the Lords else took care of. And the sum of these answers I gave to Mr. Browne, when he gave up the sum of his charge against me[1]."

235 The next particular was about depopulations. A Commission of Grace, to compound with some delinquents in that kind, was issued under the broad seal to some Lords and other persons of honour of the Council, of which I was one. One Mr. Talboys was called thither. And the charge about this was, that when he pleaded, that by statute 39 Eliz.[z] he might convert some to pasture, I should say, 'Do you plead law here? Either abide the order, or take your trial at the Star-Chamber:' and that he was fined 50*l.* VIII.

In this particular, Mr. Talboys is single, and in his own cause; (111) but I was single at no sitting of that Commission: nor did I ever sit unless the Lord Privy Seal and Mr. Secretary Coke were present; that we might have direction from their knowledge and experience.

And for the words, (if spoken,) they were not to derogate from the law; but to show, that we sat not there as any

[1] ['took care of . . . against me.' on opposite page.]

[x] Prov. xvi. 14.

[y] [See Rushworth's Collections, vol. iii. Append. p. 109.]

[z] [39 Eliz. cap. ii.]

Die Secundo.

judges of the law, but to offer his Majesty's grace to such as would accept it.

As for the fine mentioned, we imposed none upon him or any other, but by the consent of the parties themselves. If any man thought he was not faulty, and would not accept of the favour showed him, we left him to the law. But the plain truth is, this gentleman, being tenant to the Dean and Chapter of Christ-Church in Oxford, offered them, as they conceived, great wrong in the land he held of them; insomuch as[1] they feared other their tenants might follow his example, and therefore complained of him. And because I laid open his usage of his landlords before the Commissioners, he comes here to vent his spleen against me. "And 'tis observable, that in all the business of depopulations, in which so many appeared, no one complained, either against me or any other lord, but only this Talboys. Mr. Browne, when he pressed the sum of this charge against me, added, that at the Council-table I was for all illegal projects, as well as for these inclosures. But first, I was neither for this nor any other, either longer or otherwise than I understood them to be lawful. And secondly, I opposed there the business of salt and the base money; and I alone took off that of the malt, and the brewing: and three gentlemen of Hertfordshire (which county was principally concerned in the case of the malt) came over to Lambeth to give me thanks for it[2]."

IX. Then was charged upon me the printing of books, which asserted the King's prerogative above law, &c. The instance was in Dr. Cowell's book, *verbo, Rex*[a]: that this book was decried by proclamation[b]; that complaint was made to me[3], that this book was printing in a close house, without licence[4], and by Hodgkinson, who was my printer; that I referred

[1] ['as' interlined.]
[2] ['pressed the sum . . . thanks for it.' on opposite page.]
[3] ['made to me' originally written 'made to me of this. That I referred it to Sir Jo. Lambe,']
[4] ['without licence,' in marg.]

[a] No such word there sure: it should be 'Prærogativa Regis.'—W. S. A. C.

[b] [Cowell's 'Interpreter' was first published in 1607: it remained for a long time uncensured, but offence being afterwards taken at it for asserting the unlimited prerogative of the King, it was called in by Proclamation, March 26, 161⅔ (Wood, F. O. i. 289). From a paper preserved in Tanner's MSS., vol. lxvii. p. 25, it appears that the edition referred to in the text was called in by an order signed by Laud and others, on October 8, 1638.]

them to Sir John Lambe; that they came to me again, and a third time, and I still continued my reference; which Sir John Lambe slighting, the book came forth. The witnesses to this were Hunt and Walye[c], if I mistook not their names[d]. Die Secundo.

1. For this book of Dr. Cowell's, I never knew of it till it was printed, or so far gone on in printing that I could not stay it: and the witnesses say, 'it was in a close house, and without licence;' so neither I nor my chaplains could take notice of it.

36 2. They say, they informed me of it, but name no time, but only the year 1638. But they confess I was then at Croydon: so being out of town (as were almost all the High Commissioners) I required Sir Jo. Lambe, who, being a High Commissioner, had in that business as much power as myself, to look to it carefully, that the book proceeded not; or if it were already printed, that it came not forth. If Sir John slighted his own duty and my command (as themselves say), he is living, and may answer for himself; and I hope your Lps. will not put his neglect upon my account.

3. As for Hodgkinson, he was never my printer[1]; but Badger was the man whom I employed, as is well known to all the stationers. Nor was Hodgkinson ever employed by me in that kind or any other: upon just complaint, I turned him out of a place, but never put him into any: and therefore those terms which were put upon me, of 'my Hodgkinson,' and 'my Sir Jo. Lambe,' might have been spared. Sir John was indeed Dean[2] of the Arches, and I employed him, as other Archbishops did the Deans which were in their times; otherwise no way mine: and Hodgkinson had his whole dependence on Sir Henry Martin, and was a mere stranger to me. "And this answer I gave to Mr. Browne, when he summed up the charge. Nor could any danger be in the printing of that book to mislead any man: because it was generally made known by proclamation that it was a

[1] ['my printer;' originally written 'printer, as']
[2] ['indeed Dean' originally written 'indeed my Dean']

[c] [Walye was Clerk at Stationers' Hall, mentioned several times by Prynne in Cant. Doom.]
[d] [The names as given in the Lords' Journals are 'Hunscot and Wally.' Joseph Hunscot was a principal printer of the day.]

book condemned, and in such particulars: but for other things the book very useful[1] [e]."

X. The next charge was, That when Dr. Gill, Schoolmaster of Paul's School, in London[f], was warned out by the Mercers (to the care of which Company that school some way belongs[g]), upon Dr. Gill's petition to the King, there was a reference to some other lords and myself to hear the business. The charge is, that at this hearing I should say, the Mercers might not put out Dr. Gill without his Ordinary's knowledge; and that upon mention made of an Act of Parliament, I should reply, 'I see nothing will down with you but Acts of Parliament; no regard at all of the Canons of the Church:' and that I should further add, 'That I would rescind all Acts which were against the Canons; and that I hoped shortly to see the Canons and the King's prerogative of equal force with an Act of Parliament.'

To this I answered; That if all this charge were true, yet this is but the single testimony of Samuel Bland[h], an officer belonging to the Company of the Mercers, and no small stickler against Dr. Gill, whose aged reverend father had done that Company great service in that school for many years together[i].

The reference, he grants, was to me and others: so I neither thrust myself into the business, nor was alone in it.

And as there is a canon of this Church, That no man may be allowed to teach school, but by the bishop of the diocese[j]; so, *a paritate rationis*, it (112) stands good, they may not turn him out without the said[2] bishop's knowledge and appro-

[1] ['Nor could . . . useful.' on opposite page.] [2] ['said' interlined.]

[e] [The book afterwards went through several editions; in 1672, 1684, 1701 (edited by White Kennet), and 1709 (Wood, F. O. i. 289).]

[f] [It appears from two letters of Joseph Mede, quoted by Ant. Wood (Ath. Ox. iii. 43), that Alexander Gill had been censured in the Star-Chamber, in Nov. 1628, for some offensive language against the King, and sentenced to be degraded, and to suffer fine and corporal punishment; but that on the intercession of Laud, then Bishop of London, the fine was mitigated, and the corporal punishment remitted. He was removed from the school in 1640, which is the circumstance referred to in the text.]

[g] [They were appointed trustees. See Knight's Life of Colet, Append. p. 335.]

[h] [He is called 'Matthew Bland' in Lords' Journals.]

[i] [Alexander Gill, the elder, a scholar of Corpus Christi College, Oxford, succeeded Rich. Mulcaster (Bishop Andrewes's schoolmaster) at S. Paul's School, in 1608, and died Nov. 17, 1635. (Wood, Ath. Ox. ii. 597.)]

[j] Can. 77.

bation. And 'tis expressed in another canon, 'That if any schoolmaster offend in any of the premises' (there spoken of) 'he shall be admonished by his Ordinary; and if he do not amend upon that his admonition, he shall then be suspended 237 from teaching[k]:' which, I think, makes the case plain, that the Mercers might not turn out Dr. Gill without so much as the knowledge of his Bishop. Die Secundo.

And for the words, that 'I saw nothing would down with them but an Act of Parliament, and that no regard was had to the Canons;' I humbly conceive there was no offence in the words. For though[1] the superiority by far in this kingdom belongs to the Acts of Parliament, yet some regard doubtless is, or ought to be had, to the Canons of the Church. "And if nothing will down with men but Acts of Parliament, the government cannot be held up in many particulars."

For the other words, God forgive this witness; for I am well assured, I neither did nor could speak them. For is it so much as probable, that I should say, 'I would rescind all Acts that are against the Canons?' What power have I, or any particular man, to rescind Acts of Parliament? Nor do I think any man that knows me, will believe I could be such a fool as to say, that 'I hoped shortly to see the Canons and the King's prerogative equal to Acts of Parliament;' since I have lived to see (and that often) many Canons rejected, as contrary to the custom of the place; as in choice of parish-clerks, and about[2] the reparation of some churches; and the King's prerogative discussed and weighed by law: neither of which hath or can be done by any judges to an Act of Parliament. "That there is malice in this man against me[3], appears plainly; but upon what 'tis grounded, I cannot tell; unless it be that in this business of Dr. Gill, and in some other about placing lecturers, (which in some cases this Company of the Mercers took on them to do[l],) I opposing it so far as law and canon would give me leave, crossed some way either his opinion in religion or his purse-profit. I was, I confess, so much moved at the unworthiness of this man's

[1] ['though' interlined.] [2] ['about' in marg.]
[3] ['That . . . me,' on opposite page. Originally written, 'What the malice of this man is,']

[k] Can. 79.
[l] [See Accounts of Province for 1633, Works, vol. v. p. 321.]

Die Secundo.

testimony, that I thought to bind this sin upon his soul[m], not to be forgiven him till he did publicly ask me forgiveness for this notorious public wrong done me. But, by God's goodness, I mastered myself; and I heartily desire God to give him a sense of this sin against me His poor servant, and forgive him." And if these words could possibly escape me, and be within the danger of that statute; then to that statute, which requires my trial within six months, I refer myself.

XI. The eleventh charge of this day was the imprisonment of Mr. George Waker[n], about a sermon of his, preached to prove (as he said) that 'tis sin to obey the greatest monarchs in things which are[1] against the command of God: that I had notes of his sermons for four or five years together, of purpose to entrap him; that I told his Majesty he was factious; that Sir Dudly Carlton[o] writ to keep him close; that in this affliction I protested to do him kindness, and yet did contrary.

My answer was, That for the scope of his sermon, 'to obey God rather than man,' no man doubts but it ought to be so, when the commands are opposite. But his sermon was viewed, and many factious passages, and of high nature, found in it. And yet I did not tell the King he was factious, but that he was so complained of to me; and this was openly at the Council-table.

And whereas he speaks of notes of his sermons for divers 23
years, with a purpose to entrap him; all that he says is, that 'he was told so,' but produces not by whom. And truly, I never had any such notes, nor ever used any such art against any man in my life. For his commitment, it was done by the Council-table; and after, upon some carriage of his there, by the Court of Star-Chamber, not by me; nor can that be imputed to me, which is done there by the major

[1] ['in things which are' in margin]

[m] [Abp. Sancroft notes this passage, as though he considered it too severe.]

[n] f. 'Walker.'

[George Walker, termed by Wood (F. O. i. 399) "a learned person, an excellent logician, orientalian, and divine," was admitted to S. John the Evangelist, London, April 29, 1614. In 1643, he was one of the Assembly of Divines, and died in 1651. See more of him in Abp Laud's Accounts of his Province for the year 1635. (Works, vol. v. p. 332.)]

[o] [Clerk to the Council.]

part, and I having no negative. And if Sir Dudly Carlton writ to keep him close at his brother's house, contrary to the Lds'. order, let him answer it; and if he supposes that was done by me, why is not Sir Dudly examined to try that truth? As for the 'protestation' which he says I made to his wife and his brother, that I complained not against him; it was no denial of my complaint made against him at the first, that I heard he was factious; but that after the time, in which I had seen the full testimony of grave ministers in London that he was not factious, I made no complaint after that, but did my best to free him. And the treason in these two charges is against the Company of the Mercers, and Mr. Waker. Die Secundo.

(113) The next charge was[1], that Dr. Manwaring[p] having been censured by the Lords in Parliament for a sermon of his against the liberty and propriety of the subject, was yet after this preferred by me, in contempt of the Parliament-censure, both to the deanery of Worcester[q] and the bishopric of St. David's[r]; and my own Diary witnesses that I was complained of in Parliament for it; and that yet after this I did consecrate him bishop. XII.

1. To this I answered, that he was not preferred by me to either of these; and therefore, that[2] could not be done in contempt of the Parliament-censure, which was not done at all. For as for St. David's, 'tis confessed Secretary Windebank signified the King's pleasure, not I. And whereas it was added, that this was by my means; that is only said, but not proved. And for Worcester, there is no proof but the Docket-book: now, my Lords, 'tis well known in Court that the Docket doth but signify the King's pleasure for such a bill to be drawn; it never mentions who procured the preferment: so that the Docket can be no proof at all against me; and other there's none.

2. For the sermon, 'tis true, I was complained of in Parliament, that I had been the cause of licensing it to the

[1] ['was,' interlined.] [2] ['that' interlined.]

[p] [See vol. iii. p. 207, notes [h] [l].]

[q] [Nominated Oct. 28, 1633. (Rymer, Fœd. VIII. iv. 67.) The statement in Le Neve that he was nominated in May, seems to be incorrect.]

[r] [The Congé d'élire was issued Jan. 4, 1635; he was elected Jan. 19; confirmed Feb. 26; consecrated Feb. 28.]

Die Secundo.

press; and 'tis as true, that upon that complaint I was narrowly sifted; and an honourable Ld. now present, and the L. Bishop of Lincoln[s], were sent to Bishop Mountain[t], who licensed the sermon, to examine and see whether any warrant had come from me, or any message. But when nothing appeared, I was acquitted in open Parliament; "to somebody's no small grief. God forgive them, and their malice against me; for, to my knowledge, my ruin was then thirsted for. And, as I answered Mr. Brown's summary charge, when he pressed this against me, could this have been proved, I had been undone long since; the work had not been now to be done[1]."

That he was after consecrated by me[u] is true likewise; and I hope 'tis not expected I should ruin myself, and 2[d] fall into a *Præmunire*, by refusing the King's royal assent[v]; and this for fear lest it might be thought I procured his preferment. But the truth is, his Majesty commanded me to put him in mind of him when preferments fell, and I did so: but withal I told his Majesty[2] of his censure, and that I feared ill construction would be made of it.

To this it was replied, That I might have refused to consecrate, the cause why being sufficient, and justifiable in Parliament, and excepted in that law. "But how sufficient soever that cause[3] may be in Parliament, if I had been in a *Præmunire* therewhile, and lost my liberty and all that I had beside, for disobeying the royal assent, I believe I should have had but cold comfort when the next Parliament had been summoned; no exception against the man being known to me, either for life or learning, but only this censure: nor is there any exception which the Archbishop is by that law allowed to make, if my book be truly printed[4]."

XIII. Then followed the charge of Dr. Heylin's book against Mr. Burton[x]; out of which it was urged, that an unlimited power

[1] ['charge . . . done.' on opposite page.]
[2] ['told his Majesty' originally written 'put his Majesty in mind']
[3] ['that cause' originally written 'that cause, or any']
[4] ['any exception . . . printed.' on opposite page.]

[s] [John Williams.]
[t] [George Mountain, or Montaigne, then Bishop of London.]
[u] [See Diary, Feb. 28, 1635, vol. iii. p. 226.]
[v] 25 Hen. VIII. c. 20, § ult.
[x] [Henry Burton, of S. Matthew, Friday-street.]

was pressed very far; and out of p. 40[y], 'that a way was found to make the subject free, and the king a subject;' that this man was preferred by me; that Dr. Heylin confessed to a Committee that I commanded him to answer Mr. Burton's book; and that my chaplain, Dr. Braye[z], licensed it. Die Secundo.

I answered as follows:—I did not prefer Dr. Heylin to the King's service; it was the E. of Danby, who had taken honourable care of him before in the University. His preferments I did not procure; for it appears by what hath been urged against me, that the Ld. Viscount Dorchester[a] procured him his parsonage[b], and Mr. Secretary Coke[c] his prebend in Westminster[d].

For his answer to the Committee, that I commanded him to write against Burton, it was an ingenuous and a true answer, and became him and his calling well; for I did so. "And neither I in commanding, nor he in obeying, did other than what we had good precedent for in the primitive Church of Christ. For when some monks had troubled the Church at Carthage[1], but not with half that danger which Mr. Burton's book threatened to this, Aurelius, then bishop, commanded St. Aug. to write against it; and he did so[e]. His words are, 'Aurelius scribere jussit, et feci.'" But though I did, as by my place I might, command him to write and answer, yet I did neither command nor advise him to insert anything unsound or unfit. If any such thing be found in it, he must answer for himself, and the licenser for himself. For as for

[1] ['at Carthage,' in marg. Originally written, 'at Hippo,' also in marg.]

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[y] Heylin cont. Burton, [*i.e.* 'A briefe and moderate Answer to the seditious and scandalous Challenges of Henry Burton, late of Friday-streete.'] cap. ii. p. 40. [Lond. 1637.]

[z] [William Bray was originally of the Puritan party. He was afterwards patronized by Laud, and appointed Rector of S. Ethelburga, May 5, 1632; Preb. of Mapesbury, in S. Paul's Ch., June 12, 1632; Vicar of S. Martin's-in-the-Fields, March 2, 1632; and Prebendary of the first stall in Canterbury. He was censured by the Parliament for licensing Pocklington's Sermons, and enjoined to preach a recantation sermon at S. Margaret's, Westminster.]

[a] [Dudley Carleton, created Viscount Dorchester July 25, 1628.]

[b] [This was to the Rectory of Hemingford, in Hunts. The patronage was disputed by Williams, Bp. of Lincoln, and Heylin did not enjoy the benefice. See Life, prefixed to Heylin's Historical Tracts.]

[c] [Sir John Coke.]

[d] [He was appointed to the sixth stall, vacant by the death of George Darrell, Nov. 4, 1631, and installed Nov. 6. (Rymer, Fœd. VIII. iii. 224, and Le Neve.)]

[e] [S.] Aug. [lib.] ii. Retract. c. 21. [Op., tom. i. col. 97. C. The work referred to is the treatise "De Opere Monachorum."]

Die Secundo.

licensing of books, I held the same course which all my predecessors had done; and when any chaplain came new into my house, I gave him a strict charge in that particular. And in all my predecessors' times, the chaplains suffered for faults committed, and not their lords; though now all is heaped on me.

"As for the particular words urged out of Dr. Heylin's book, p. 40, there is neither expression by them, nor intention in them, against either the law or any lawful proceedings; but they are directed to Mr. Burton and his doctrine only. The words are,—'You have found out a way' (not the law, but you, Mr. Burton) 'to make the subject free, and the King a 21
subject:' whereas, it would well have beseemed Mr. Burton to have carried his pen even, at the least, and left the King his freedom, as well as the subject his[1]."

XIV. (114) From this they proceeded to another charge, which was, that I preferred chaplains to be about the King and the Prince, which were disaffected to the public welfare of the kingdom. The instance was in Dr. Dove[f]; and a passage read out of his book against Mr. Burton; and it was added, that the declaring of such disaffection was the best inducement or bribe to procure them preferment.

To this I then said, and 'tis true, I did never knowingly prefer any chaplain to the King or Prince, that was ill-affected to the public. And for Dr. Dove, if he uttered by tongue or by pen any such wild speech concerning any members of the honourable House of Commons, as is urged, thereby to show his disaffection to the public[2], he is living, and I humbly desire he may answer it. But whereas it was said, 'that this was the best inducement or bribe to get preferment,' this might have been spared, had it so pleased the gentleman which spake it: but I know my condition, and where I am, and will not lose my patience for language.

[1] ['As for the particular . . . his.' on opposite page.]
[2] ['thereby . . . public,' in margin.]

[f] [Christopher Dowe, the person here referred to, was of Christ's College, Cambridge, incorporated at Oxford July 10, 1621. (Wood, F. O. i. 399.) The title of his book was, "Innovations unjustly charged upon the present Church and State; or, an Answer to the most material passages of a libellous pamphlet of Henry Burton's, intituled, 'An Apologie of an Appeal,' &c. Lond. 1637." He was appointed Rector of All Saints, Hastings, May 4, 1636. (Rymer, Fœd. IX. ii. 87.) His name is not found in Walker's Sufferings, so that he probably died shortly after this time.]

And whereas 'tis urged, that after this he was named by me to be a chaplain to the Prince his highness, the thing was thus. His Majesty had suit made to him, that the Prince might have sermons in his own chapel for his family. Hereupon his Majesty, approving the motion, commanded me to think upon the names of some fit men for that service. I did so: but before anything was done, I acquainted the Right Honourable the Ld. Chamberlain, that then was, with it. My Ld. knew most of the men, and approved the note, and delivered it to his secretary, Mr. Oldsworth, to swear them. This was the fact; and at this time, when I put Dr. Dove's name into the list, I did not know of any such passage in his book, nor, indeed, ever heard of it till now. For I had not read his book, but here and there by snatches. Die Secundo.

I am now come (and 'tis time) to the last particular of this day; and this charge was, the giving of subsidies to the King in the Convocation, without consent in Parliament; that the penalties for not paying were strict, and without appeal, as appears in the Act[s]; where it is further said, that 'we do this according to the duty which by Scripture we are bound unto;' which reflects upon the liberties of Parliaments in that behalf. But it was added, they would not meddle now with the late Canons for anything else, till they came to their due place. XV.

1. My answer to this was: That this was[1] not my single act, but the act of the whole Convocation, and could not be appliable to me only.

2. That this grant was no other, nor in any other way, *mutatis mutandis*, than was granted to Queen Elizabeth in Archbishop Whitgift's time. This grant was also put in execution, as appeared by the originals which we followed. These originals (among many other records) were commanded
241 away by the honourable House of Commons, and where they now are I know not; but for want of them, my defence cannot be so full.

3. For the circumstances, as 'that the penalties are without appeal,' and the like, 'tis usual in all such grants. And 'that

[1] ['was' interlined.]

[s] [See a copy of the Act in Nalson's Collection, vol. i. pp. 533—537.]

Die Secundo.

we did it according to our duty and the rules of Scripture,' we conceived was a fitting expression for ourselves, and men of our calling[1], without giving law to others, or any intention to violate the law in the least. For thus, I humbly conceive, lies the mutual relation between the King and his people, by rules of conscience. The subjects are to supply a full and honourable maintenance to the King: and the King (when necessities call upon him) is to ask of his people in such a way as is, *per pacta*, by law and covenant agreed upon between them, which in this kingdom is by Parliament; yet the clergy ever granting their own at all times. And that this was my judgment long before this, appears by a sermon of mine, appointed to be preached at the opening of the Parliament, in the year 1625[h]. My words are these:—'If you would have indeed a flourishing both State and Church, the King must trust and endear his people, and the people must honour, obey, and support their King,' &c. This, I hope, is far enough from derogating from any law; and if I should privately have spoken anything to him contrary to this, which I had both preached and printed, how could his Majesty have trusted me in anything?

[1] ['and men of our calling,' in marg.]

[h] My sermon in Psal. lxxv. 2, 3, p. 14. [Works, vol. i. p. 99.]

142 CAP. XXIV.

THIS brought this tedious day to an end. And I[1] had an order the same day to appear again on Saturday, March 16, 1643, with a note also from the Committee which were to charge me, that they meant then to proceed upon part of the second additional Article, (115) and upon the third original, and the third and fifth additional Articles. The second additional Article is written down before; and here follow the rest now mentioned, to be next proceeded upon. Die Tertio.

3. The third original is,—*He hath by letters, messages, threats, promises, and divers other ways, to judges and other ministers of justice, interrupted and perverted, and at other times, by the means aforesaid, hath endeavoured to interrupt and pervert the course of justice in his Majesty's courts at Westminster, and other courts, to the subversion of the laws of this kingdom; whereby sundry of his Majesty's subjects have been stopped in their just suits, and deprived of their lawful rights, and subjected to his tyrannical will, to their utter ruin and destruction.*

The third and fifth additionals follow:—

3. *That the said Archbishop, to advance the Canons of the Church and power ecclesiastical above the law of the land, and to pervert and hinder the course of justice, hath at divers times within the said time, by his letters, and other undue means and solicitations used to judges, opposed and stopped the granting of his Majesty's writs of*[2] *prohibition, where the same ought to have been granted for stay of proceedings in the ecclesiastical court, whereby justice hath been delayed and hindered, and the judges diverted from doing their duties.*

[1] ['I' interlined.] [2] ['his Majesty's writs of' in margin.]

Die Tertio. 5. *That the said Archbishop, about eight years last past, being then also a privy-counsellor to his Majesty, for the end and purpose aforesaid, caused Sir John Corbet, of Stoke, in the county of Salop, Baronet, then a justice of peace of the said county*[1], *to be committed to the prison of the Fleet, where he continued prisoner for the space of half a year or more, for no other cause but for calling for the Petition of Right, and causing it to be read at the sessions of the peace for that county, upon a just and necessary occasion. And during the time of his said imprisonment, the said Archbishop, without any colour of right, by a writing under the seal of his archbishopric, granted away parcel of the glebe-land of the church of Adderly in the said county, whereof the said Sir Jo. Corbet was then patron, unto Robert, Viscount Kilmurry, without the consent of the said Sir John, or the then incumbent of the said church; which said Viscount Kilmurry built a chapel upon the said parcel of glebe-land, to the great prejudice of the said Sir John Corbet, which hath caused great suits and dissensions*[a] *between them. And whereas the said Sir John Corbet had a judgment* 2. *against Sir James Stonehouse, Knight, in an action*[2] *of waste in his Majesty's Court of Common Pleas at Westminster, which was afterwards affirmed in a writ of error in the King's Bench, and execution thereupon awarded; yet the said Sir John, by means of the said Archbishop, could not have the effect thereof, but was committed to prison by the said Archbishop and others at the Council-table, until he had submitted himself unto the order of the said Table, whereby he lost the benefit of the said judgment and execution.*

THE THIRD DAY OF MY HEARING.

Saturday, Mar. 16, 644. In the interim, between the 13th and this 16th of March, upon some strict charge to look to the Tower, my solicitor

[1] ['of the said county,' in margin.]
[2] [The word looks like 'Etion,' probably an abbreviation for 'Ejection.']

[a] 'contentions' Rushw.

was not suffered to come in to me. Whereupon, so soon as I was settled at the bar, before the evidence began to be opened, I spake to the Lords as follows:— Die Tertio.

"My Lds., I stand not here to complain of anything, or any man, but only am enforced to acquaint your Lps. with my sad condition. Your Lps. have appointed my secretary to be my solici(116)tor, and given him leave to assist me in the turning of my papers, and to warn in such witnesses, and to fetch me the copies of such records, as I shall have occasion to use. And I humbly desire your Lps. to consider, that myself being imprisoned, and so utterly disenabled to do these things myself, it will be absolutely impossible for me to make any defence, if my solicitor be denied to come to me, as now he is." This was granted, and the hearing adjourned till Monday following[b]; and I humbly thanked their Lordships for it.

[b] Here the relation is imperfect. It seems he moved that his solicitor might come to him, and in the meantime the hearing put off.—W. S. A. C.

CAP. XXV. 24.

THE FOURTH DAY OF MY HEARING.

Die Tertio et Quarto. March 18, Monday.

THE fourth day of my hearing was Monday, March 18, and was only my answer to the third day's charge, and the only time in which I was not put to answer the same day[1]. The first[2] charge of this day[3] was about S. Paul's. And first out of my Diary, (where I confess it one of my projects to repair that ancient fabric[a];) and three strict orders of the Lords of the Council for the demolishing of the houses built about that church. One[4] was Novemb. 21, 1634. The demolishing of the houses commanded by this before Jan. 6 for one, and for the rest by after midsummer[5]. Another was Mar. 26, 1631; a committee, with power to compound with the tenants, and with order to pull down if they would not compound[6]. The third was Mar. 2, 1631, which gives power to the sheriffs to pull down, if obedience be not yielded[7].

To this I confess I did, when I came first to be Bishop of London, project the repair of that ancient and famous cathedral of S. Paul, ready to sink into its own ruins. And to this I held myself bound in general, as bishop of the place,

[1] ['The fourth . . . same day.' This sentence is written in margin of p. 115 of MS.]

[2] [After the words, 'then the business proceeded,' which then follow in the MS., the following passage is erased,—'The first charge of these two days (for in my notes I have slipped where the fourth day's charge began, and therefore I will go on with the charge of both these days together, because to the uttermost of my power I will not be found faulty so much as in a circumstance)—I say the first,' &c. (as in text.)]

[3] ['of this day' in margin.]

[4] ['One' originally written 'The first']

[5] [The following is the account given in a passage now erased:—'The next was Mar. 2; a committee ordered to compound with the several tenants, and they not to have the materials, unless on the days appointed. The third was Mar. 26, 1631, directed to the sheriffs, to demolish the houses of such as would not obey, nor take composition by the days appointed.']

[6] ['a committee . . . compound.' on opposite page.]

[7] ['gives power . . . yielded.' on opposite page.]

[a] [See vol. iii. p. 253.]

and in particular for the body of the church, the repair of which is by the local statutes laid upon the bishop. And the bishop was well able to do it, while he enjoyed those lands which he had when that burthen was laid upon him. "But what sacrilegious hands despoiled that bishopric of them, 'tis to[1] no purpose to tell[b]." Die Tertio et Quarto.

And truly, my Lds., since I am in this present condition, I humbly and heartily thank God, that S. Paul's comes into my sufferings, and that God is pleased to think me worthy to suffer either for it or with it any way; though I confess I little thought to meet that here, or, as a charge, anywhere else. And so God be pleased (as I hope in Christ He will) to pardon my other sins, I hope I shall be able (human frailties always set aside) to give an easy account for this. But whereas I said, 'the repair of St. Paul's was a strange piece of treason;' and they presently replied, that they did not charge the repair upon me, but the 'manner of doing it, by demolishing of men's houses;' to that I answered as follows; with this first, that the work hath cost me above one thousand and two hundred pounds out of my own purse, besides all my care and pains, and now this heavy charge to boot; no one man offering to prove, that I have misspent, or diverted to other use, any one penny given to that work, or that I have done anything about it without the knowledge, approbation, and order of his Majesty, or the Lords of the Council, or both.

To the particulars then. For the three orders taken out of the Council-books, I shall not need to repeat them. But what is the mystery, that these orders are reckoned backward, the last first? Is it to aggravate, as if it rose by steps? That cannot well be; because the first order is the sourest, if I conceive it right. Besides, here was real composition allotted for them, and that by a Committee named by the Lords, not by me. And I think it was very real; for it cost eight or nine thousand pounds (as appears upon the accounts[c])

[1] ['to' interlined.]

[b] [Bp. Ridley had exchanged many of the lands of the See of London with Edw. VI. (Strype, Memorials, II. i. 339;) but Strype says (p. 341), to the benefit of the See.]

[c] [A statement of the receipts and payments is given in Dugdale's S. Paul's.]

Die Tertio et Quarto.

merely to take down the houses (which had no right to stand there), before we could come at the church to repair it.

And if anything should be amiss in any of these (which is more than I either know or believe); they were the Council's orders, not mine. And shall that be urged as treason against me, which is not imputed to them so much as a misdemeanour? Besides, the Lords of the Council are in the ancient constitution of this kingdom one body; and whatsoever the major part of them concludes, is reputed the act of the whole, not any one man's. And this I must often inculcate, because I see such public acts like to be heaped upon my particular.

1. The first witness about this business of St. Paul's is Mich. Burton [1], and 'tis charged that his house was pulled down in King (117) James's time; that he was promised relief, but had none: that hereupon he got a reference from his Majesty that now is, and came with it to the Council, and was referred to the Committee. That Sir Hen. Martin told him, that the Archbishop was his hindrance. That he resorted to me, and that I bid him go to King James for his recompense.

To this my answer was, That this house, which he says was his, was (as is confessed by himself) taken down in King James's time, when an attempt was made about the repair of this cathedral, but nothing done [2]. If he desired satisfaction, he was to seek it of them who took down his house, not of me. If his Majesty that now is gave him a reference, he was by the Lords of the Council, or by me (if to me it were referred), to be sent to the Sub-Committee, because satisfaction for each house was to be ordered by them. Nor had I any reason to take it on my care, which was done so long before. He says, that Sir H. Martin told him, that I hindered him: but that's no proof that Sir H. Martin told him so; for 'tis but his report of Sir H. Martin's speech: and I hope, Sir Henry neither did, nor would do me such apparent wrong. He was the third man to whom I brake my intentions touching the repair, and the difficulties which I foresaw I was to meet with: and he gave me all encouragement. And it may be, when nothing would satisfy the eager old man, I might

[1] [After 'Burton,' 'single and in' erased.]
[2] ['when ... done.' in margin.]

bid him go to King James for recompense; but 'tis more than I remember if I did so. And this man is single, and in his own case; and where lies the treason that is in it? Die Tertio et Quarto.

Besides, least consideration was due to this house: for, not many years before the demolishing of it, it was built at the west end of St. Paul's for a lottery; (it was said to be the house of one Wheatly;) and after the lottery ended, finished up into a dwelling-house, to the great annoyance of that church: the bishop, and dean, and chapter being asleep while it was done.

2. The next charge about St. Paul's was witnessed by Mary
46 Berry [d], that her husband was fain to set up his trade elsewhere, and that every man reported, the Bishop was the cause of it.

Her husband was forced by this remove to set up his trade elsewhere; so she says: and perhaps in a better place, and with satisfaction sufficient to make him a better stock: where's the wrong? Beside, she is single, and in her own cause, and no proof, but that every man reported the Bishop was the means to remove him. And it is observable, that in King James his time, when the commission issued out for the demolishing of these very houses, the work was highly applauded; and yet no care taken for satisfaction of any private man's interest: now that great care hath been taken, and great sums of money expended about it, yet I must be a traitor, and no less, for doing it. "This makes me think, some party of men were heartily angry at the repair itself; though for very shame it be turned off upon the demolishing of the houses."

3. The next that came in, was Thò. Wheeler: he says that his house was pulled down by the Committee, by my direction, above eleven years ago: and that word was brought him of it.

His house was pulled down; but himself confesses it was by the Committee. It was, he says, above eleven years ago, and the time limited in that Article is six [e] years. He says, that word was brought him, that I was the cause, or gave the direction. Word was brought him; but he names not by

[d] ['Bury,' Lords' Journals.]
[e] 'sixteen,' *vide*. [But see Article ii. as given above, p. 69.]

Die Tertio et Quarto.

whom, nor from whom [i]; so all this proof is a single hearsay of he knows not whom: whereas I had the Broad Seal of England for all that was done. It was replied here, That for demolishing of these houses the King's Commission [f] was no full and legal warrant; I should have procured authority from Parliament. I replied to this interruption, That houses more remote from the church of St. Paul's were pulled down by the King's Commission only in K. Ed. III. time; and humbly desired a *salvo* might be entered for me, till I might bring the record [g]; which was granted.

4. The last instance for this charge of St. Paul's, was the house of W. Wakern [h]; who witnessed, that he had a hundred pound recompense for his house; but then was after fined in the High-Commission Court 100*l.* for profanation, of which he paid 30*l.*

To this I gave this answer; That his charge is true; and that after he had received 100*l.* composition, the cry of the profanation brought him into the High-Commission. It was thus: the skulls of dead men (perhaps better than himself) were tumbled out of their graves into his draught, and part of the foundation of the church (as appeared in the taking down of his house) was broken, or pared away, to make room for the uncleanness to pass into the vault: and surely were I to sit again in the High-Commission, I should give my vote to censure this profa(118)nation. But himself confesses, he paid but thirty pound of it, which was too little for such an offence. And besides, my Lords, this was the act of the High-Commission, and cannot be charged singly upon me.

And I cannot forbear to add thus much more, That the 24
bishop, and dean, and chapter, whoever they were, did ill to give way to these buildings, and to increase their rents by a sacrilegious revenue: no law that I know giving way to build upon consecrated ground, as that churchyard is. But how-

[i] ['nor from whom;' in margin.]

[f] [See the Special Commission for repairing S. Paul's Cathedral, in Rymer, Fœd. VIII. iii. 172 seq.]

[g] See this record twice referred to afterwards. In the latter place the useful words of it are recited. So that, perhaps, it will not be necessary to print the whole patent; but if it be, I have a copy of it.—W. S. A. C.
This came not to my hands.—H. W.

[h] ['Wathon,' Lords' Journals.]

soever, the present [1] tenants being not *in dolo*, I ever thought fit they should have recompense for their estates, and they had it. Die Tertio et Quarto.

The next charge was about the shops of the Goldsmiths in Cheapside and Lombard-street. An order was made at the Council-table, Novemb. 12, 1634, That within six months the Goldsmiths should provide themselves shops there, and nowhere else, till all those shops were furnished: and this under a penalty, and to give bond. II.

These two were the ancient places for Goldsmiths only, time out of mind: and it was thought fit by the Lords, for the beauty of the place, and the honour of the city, to have these places furnished as they were wont, and not to have other trades mixed among them. Beside, it concerned all men's safety: for if any plate were stolen, the inquiry after it might be made with more ease and speed: whereas if the goldsmiths might dwell here and there, and keep their shops in every by-place of the city, stolen plate might easily be made off, and never heard of. But howsoever, if in this order there were anything amiss, it was the order of the Council-table, not mine: and far enough off from treason, as I conceive.

1. Upon this charge there were two instances. The first is Mr. Bartley [i], who said, his house was taken from him, by order to the Lord Mayor, 1637; that my hand was to the order; that he was imprisoned six months, and recovered 600*l.* damages of Sir Edw. Bromfield; that after this he was committed to Flamsted, a messenger belonging to the High-Commission, about Dr. Bastwick's and Mr. Burton's books; that after this he was sent for to the Council, and there heard my voice only; that when he desired some help, Sir Tho. Ailsbury's [k] man told him, he were as good take a bear by the tooth: that all this was for his entertaining a man that came out of Scotland; and lastly, that Dr. Haywood, my chaplain, had licensed a popish book [l].

[1] ['present' in margin.]

[i] ['John Bartlett,' Lords' Journals.]

[k] [Sir Thomas Ailesbury, Master of the Requests, and Master of the Mint. He adhered to the cause of the King, and retired first to Antwerp, and then to Breda, where he died in 1651. His daughter Frances was the wife of Ed. Hyde, afterwards Earl of Clarendon. (Wood, F. O. i. 305.)]

[l] [William Haywood had licensed

Die Tertio et Quarto.

To which I gave this answer: That if the Lord Mayor put him from his house by order from the Lords, (being a stationer among the goldsmiths,) then it was not done by me: and though my hand were to the order, yet not mine alone; and I hope my hand there subscribed no more treason than other lords' hands did: and if he did recover 600*l.* against Sir Edw. Bromfield, who, I think, was the Lord Mayor spoken of, surely he was a gainer by the business. And whereas he says, he was after seized again, and committed to Flamsted about the books named: if he were (as was informed) a great vender of those, and such like books, less could not be done to him, than to call him to answer. He says further, that he was sent for to the Council-table, and there he heard my voice only against him. It may be so, and without all fault of mine: for that heavy office was usually put upon me and the Lord Keeper, to deliver the sense of the Board to such as were called thither, and examined there: and by this means, 24
if any sour or displeasing sentence passed (how just soever, it mattered not), it was taken as our own, and the envy of it fell on us. And that this was so, many lords here present know well. He adds what Sir Thomas Ailsbury's man said [1], when he would have petitioned again: but since Mr. Bartley is single here, and in his own cause, why doth he rest upon a hearsay of Sir Thomas Ailsbury's man? Why was not this man examined to make out the proof? And if this man did so far abuse me, as to speak such words of me, shall I be abused first, and then have that abuse made a charge? That he was troubled thus for a Scotchman's coming to him, is nothing so, nor is any proof offered [2]: though then the troubles were begun in Scotland; and therefore if this had any relation to that business, I pleaded again the Act of Oblivion. For that of Dr. Haywood, I shall give my answer in a more proper place; for 'tis objected again.

2. The second instance was in Mr. Manning's [m] case. He speaks also of the order of the Council, Novemb. 12, 1634.

[1] ['what . . . said,' in margin. Originally written, 'adds, that']
[2] ['nor . . . offered:' in margin.]

Sales' 'Introduction to a Devout Life,' which was afterwards called in by proclamation, of which more below.]

[m] ['Francis Manning,' Lords' Journals.]

That the Goldsmiths in their book made an order upon it[1], June 15, 1685, that they which obey not, should be suspended, (I think 'tis meant, from use of their[2] trade;) that when some entreated them to obedience, I should say, 'This Board is not (119) so weak, but that it can command;' or to that effect. Die Tertio et Quarto.

For the Council's order, it was theirs, not mine. For the order which the Company of Goldsmiths made upon it, it was their own act, I had nothing to do with it. For the words, if I did speak them (which is more than I remember), he is single that swears them, and in his own cause. But, my Lords, I must needs say, whether I spake it then, or not, most true it is, that the Council-table is very weak indeed, if it cannot command in things of decency, and for safety of the subject, and where there is no law to the contrary. And this was then my answer.

The third charge of this day was, that I forced men to lend money to the Church of St. Paul's: and Mrs. Moore was called upon. But this was deserted. III.

The next charge was concerning a long and tedious suit between Rich and Poole, about the parsonage of North-Cerny in Gloucestershire; that Rich was turned out after three years' possession, by a reference procured by Poole to the Lord Keeper Coventry and myself; and that I did in a manner act the whole business at the reference; that letters were sent from the Council to Sir Wi. Masters, one of the patrons, to see Poole instituted, and to imprison Rich if he refused obedience: that after, by the Ld. Marshal's procurement, there was another reference obtained to thirteen lords; who awarded for Rich. IV.

I was never more weary of any business in my life, than I was of this reference: and I was so far from acting the whole business, as that I did nothing, but as the Ld. Keeper directed; the cause was so entangled with *Quare impedits*, and many other businesses of law. Our judgments upon full hearing went with Poole, and we certified accordingly: and
19 upon this (it may be) the letters mentioned were sent down for Poole. And if the Ld. Keeper that now is, then his

[1] ['upon it,' originally 'upon it, that']

[2] ['their' orig. 'his']

e Tertio Quarto. Majesty's Solicitor [n], could not, or durst not meddle, but gave back his fee (as was further urged), his Lp. is living to tell the cause himself; for here was none set down, though it were urged, as if he did it because I was a referee: and in the meantime this is but a bare report concerning him [1]. If the thirteen lords, to whom it was after referred, were of another opinion, that was nothing to us, who without any touch of corruption, did as our knowledge and conscience guided us. And, my Lords, it seems this title was very doubtful; for after all this, it came into this Parliament, was referred to a Committee, where Mr. Rich was very willing to compound the business. "And well he might; for I was since certified by a gentleman, a lawyer, that understood well, and was at the hearing of that cause, that it was one of the foulest causes on Rich's side, that ever he heard. And out of this I took the sum of my answer, which I gave to Mr. Browne, when he summed up my charge [2]."

The witnesses to this charge were Mr. Rich [o] his brother, and my good friend Mr. Talboys [p]. But this latter witnesses nothing but that he heard me say, that Poole's behaviour was unfit; so there I checked the one party: and that upon some words given me by Rich, I should say, Do you throw dirt in my face? And why might I not ask this question, if his words deserved it? So upon the matter, here is Rich single in his brother's case; and nothing throughout that looks like treason.

Here I had a snap given me, that I slighted the evidence, whereas they (as 'twas said) did not urge these particulars as treason, but as things tending to the violation of law, and should be found to make treason in the result. "The truth is, I did then think within myself, that such evidence might very well be slighted in an accusation of treason. But I thought better to forbear;- and so, in my continued patience, expected the next charge."

V. Which was, Mr. Foxlie's [q] imprisonment about Popish

[1] ['concerning him.' originally 'of him.']
[2] ['And out . . . charge.' on opposite page.]

[n] [Sir Edw. Littleton.]
[o] ['Edward Rich,' Lords' Journals.]
[p] P. 110 [of orig. MS. See above, p. 77. The name is 'Richard Talbois,' in Lords' Journals.]
[q] [This person was Thomas Foxly, at one time Lecturer of S. Martin's-in-the-Fields. See a detailed account of

books[1]. That he was tendered the oath *ex officio*; then brought before the Council, and imprisoned again by a warrant under my hand and others'; and my hand first to the warrant; his wife not suffered to come to him till he was sick; that the chief cause of all this was the impropriations, because he desired to name the men for the feoffment. Die Tertio et Quarto.

My Lords, this man confesses he was called in question about Popish books; but expressing no more, I cannot tell what to make of it[2]; nor can I tell how to accuse him of Popish books. "For I cannot tell which is least, his understanding of them, or his love to them." And for tendering him the oath *ex officio*, that was the usual proceeding in that Court[3]. When he was brought before the Lords of the Council, he says the warrant for his imprisonment 'was under my hand and others'.' This was according to course: so the commitment of him was by the Lords, not by me. But my hand was first; so was it in all things else, to which I was to set it. (120) And the restraint of his wife[4] from coming to him, was by the same order of the Lords: and upon her petition, when her husband was sick, both of them confess she had admittance. But whereas he says, the chief cause of his commitment was the feoffment, he is much mistaken: himself says before, it was about Popish books. This I am sure of, the feoffment was not so much as mentioned against him: though he freely confesses, that he got twelve men to undertake that feoffment, which was a great deal more power than he could take to himself by law. And his wife speaks not one word to the cause of his imprisonment. So he is single, and in his own cause; and no treason, unless it be against Mr. Foxlye.

The next charge of this day, was Mr. Vassall's imprisonment[r]: and to save repetition, I shall weave all the circumstances of aggravation and my answer together. VI.

[1] [Orig. written 'books. His']
[2] [Orig. 'of it. For I cannot']
[3] ['And for . . . Court.' in margin.]
[4] [Orig. 'wife was by']

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the proceedings respecting him, related in the manner most unfavourable to Laud, in Prynne's Cant. Doom, pp. 387, 388.]

[r] [Samual Vassall was imprisoned for refusing to pay the Tonnage and Poundage, which the King claimed without the consent of Parliament. See Rushworth's Collections, vol. i. p. 641; and Append. pp. 56, 57.]

Die Tertio et Quarto.

First, he is single in all, both substance and circumstance. Secondly, he says 'that he conceives I was the cause of his imprisonment.' But his conceit is no proof. He says again, that I said at the Council-table (whither he was called), 'Why sit we here, if we be not able to judge?' It may be, my Lords, I said so; I remember not now; but if I did say so, it was of such things only as were fit and proper for that honourable Board to judge of. Then he charged me, that I should there say, 'that he did eat the bread out of the King's children's mouths; and that if he were in another country he would be hanged for it.' "I doubt this gentleman has borrowed some of Sir Hen. Vane's memory: but I remember no such thing." Yet if I did say it, it was no treason[1]: for if I did say he might be hanged for the like in some other country, it was because the laws and customs of other countries, and this of ours, differ in many things. So that by this speech, he was to thank the law of the land for his preservation, notwithstanding his opposition against Majesty; which, where the laws were not so favourable to the subject[2], would not be endured.

He says, 'he was fain to deposit 300*l.* into the hand of Sir Abra. Daws[3], and that it was taken out the next day.' But he says withal, it was done by a decree at the Council-board; and I hope I shall not be held author of all decrees which passed there. He says, that I called him 'Sirrah:' a high crime, if I did so! high treason at least! But sure this gentleman's spleen swelled up Sir into Sirrah: for that is no language of mine to meaner men than Mr. Vassal is. "The main of this charge is words; and those (if uttered) hasty, not treasonable: and as M. Lepidus spake in the case of C. Lutorius Priscus, *Vana a scelestis, dicta a maleficiis differunt*[4]; Vain things differ from wicked, and words from malicious deeds: and let any man else be sifted as I have been for[2] all the time I have been a bishop, which is now upon the point of twenty and three years, and I doubt not but as high words as these will be heard fallen from him

[1] ['was no treason:' originally written, 'it was (some words illegible) much less treason:']

[2] ['to the subject' in margin.] [2] ['been for' orig. written 'been from']

[3] [An officer of the Customs.] [4] Tacit. lib. iii. Annal. [cap. 50.]

upon less occasion, and of greater personages than Mr. Vassal is. Besides, Mr. Vassal, at the end of his testimony, desired the Lords he might have reparation; which altogether in law infirms that which he testified [1]." Die Tertio et Quarto.

After this followed a charge about a grant passed from his Majesty to one Mr. Smith. The difference was between Mrs. Burrill and him. VII.

As far as I can recall, it was thus. The King had made a grant to Mr. Burrill, in his lifetime, of a wharf or something else belonging to the Thames. Mr. Smith conceals
51 this, and gets a grant from his Majesty, over the head of the widow and her children. And, as himself confesses, his Majesty being informed that Mrs. Burrill was sister to the reverend prelate Bishop Andrews, being then dead, should [u] say, that he would not have granted it to Mr. Smith, had he known so much. This [2] was an honourable memory of his faithful servant, her worthy brother. But whatsoever was done in this business, was by order of the Council-board, and not by me: as was also the 250*l.* which, he says, was paid in to Sir Wi. Beecher, (by way of deposit, as I conceive;) in which, if he had any hard measure, the law was open for his right. And in the whole business he is single, and in his own cause.

The next charge was Sir Jo. Corbett's [v]; which because it is expressed at large in the Article before recited, I shall not here repeat, but apply the answer to it which I then gave. VIII.

Sir John says, he 'was sent for about reading the Petition (121) of Right, at a sessions in the country; and that the Earl of Bridgwater [w] should say, he was disaffected to the King.' This concerns not me in anything. He says, 'that for this he was committed, lay long in the Fleet, and was denied bail:' but he says it was denied by the whole Board. "So by his own confession, this was the act of the Council,

[1] ['of his . . . testified.' on opposite page.]
[2] ['being then . . . This' in margin. Orig. written, 'he would not have given, made (*sic*) that grant to Mr. Smith, which']

[u] 'did'
[v] [Sir John Corbet was created a Baronet Sept. 19, 1627. He opposed King Charles's forced loan.]
[w] [John Egerton, first Earl of Bridgewater, son and heir to the Lord Chancellor Egerton, first Viscount Brackley.]

Die Tertio et Quarto.

not mine. And this answer I gave to Mr. Browne, when he put this part of the charge into his sum[1]."

In his cause with Sir Jo. Stonehouse about a waste, I cannot recall the particulars: but whatever was done therein, himself confesses was by order at the Council-table, and his Majesty present, April 18, 1638.

For the aisle built by the Lord Viscount Kilmurrye[x]; the grant which I made was no more than is ordinary in all such cases. And 'tis expressed in the body of the grant, *Quantum in nobis est, et de jure possumus*[y]; so there is nothing at all done to the prejudice of Sir John's inheritance: for if we cannot grant it by law, then the grant is voided by its own words. And that the grant was such, and no other, I showed the deeds ready attested out of the office. Besides, had I wronged him, there was an ordinary remedy open, by appeal to the delegates. And this was well known to him; for he did so appeal from a like grant against him, by the now Lord Bishop of Duresme, then of Lichfield[z], and Sir John's diocesan. And whereas 'tis alleged, 'that I made this grant without the consent of him the patron, or the then incumbent;' Sir John acknowledges, like a gentleman, that I sent unto him for his consent, if it might have been had. And this I foresaw also, that if I had denied the Ld. Viscount that which was not unusual, then the complaint would have fallen more heavy on the other side, that I made persons of quality in a manner recusants, by denying them that conveniency which was in my power to grant. So I must be faulty, whatever I do.

IX. Then the business of the tithes of[2] London was raised up in judgment against me. And it was read out of my diary, that I projected to give the ministers[3] assistance therein[a].

I had been much to blame, having been[4] Bishop of London, should I have had other thoughts. For their case is

[1] ['Browne ... sum.' in margin.]
[2] ['of' orig. 'of the']
[3] ['the ministers' orig. 'them']
[4] ['having been' orig. 'being']

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[x] [Robert Needham, second Viscount Kilmorey.]
[y] [The licence for constructing an aisle to Adderley Church is recorded in Reg. Laud, foll. 282 a.b. 283 a.]
[z] [Thomas Morton.]
[a] [See vol. iii. p. 254.]

very hard; all their offerings being shrunk away into nothing, Die Tertio et Quarto.
52 but a poor Easter-book. The ministers of London had often petitioned about some relief long before my time: and I did then, and do still think it most just they should have it. "For they are now under the taskmasters of Egypt; the tale of brick must be made, they must preach twice a Sunday, get straw where they can[b]." And yet I never thought of anything contrary to law, had all been done which I desired. For that was no more, than that the citizens would voluntarily yield to some reasonable addition, where right and need appeared: and this, I am sure, nor did nor could cross with the Act of Parliament[c] concerning the tithes of London[d]. And Mr. Moss, who is their only witness in this particular, says no more against me, but that 'I pressed this business much, and often:' which is most true I did, and held it my duty so to do; but still in the way before mentioned.

After this came the great charge (as it was accounted) X.
concerning the censure of Mr. Pryn, and Burton, and Bastwick, in the Star-Chamber, and their banishment (as 'tis called) upon it. The witnesses produced in some circumstances of that cause were Mr. Cockshot[e], Tho. Edwards, W. Wickens, Mr. Burton, Mrs. Bastwicke, and Mr. Pryn himself. The censure is known, and urged to be against law: but so far as any particular is put upon me, my answer is present to it.

1. And first for Mr. Cockshot: he says, Mr. Attorney Bankes 'sent him' (being then his servant) 'to give me an account of that business:' hence 'tis inferred, that I took care of it. This might have had some show of proof, if I had sent to Mr. Attorney to give me an account of it. But there's no word of any such proof. And yet, considering what relation their cause had to the Church, if I had sent and desired some account of the proceedings, I humbly conceive (my place in the Church considered) it could have been no great crime.

[b] Exod. v. 7.
[c] [37 Hen. VIII. cap. xii.]
[d] [See the petition of the London Clergy, and some further proceedings thereon, in Rushworth's Collections, vol. ii. pp. 269, *seq.* The fullest account of this matter is to be found in a treatise by Dr. Brian Walton, printed from MSS. Lamb. Numb. 273, in Brewster's Collectanea Ecclesiastica.]
[e] ['John Cocket,' Lords' Journals.]

Die Tertio et Quarto.

2. Then were read certain warrants: one, Febr. 1, 1632, for com(122)mitment; another of Febr. 2, 1636, to bar access to them. These were acts of the Lords sitting in Star-Chamber, not mine. Then was read a third order after sentence given, of May 13, 1634, for the seizing of his books. But this, as the former, was an act of the Court, not mine: and 'tis expressed in the order (as the charge itself lays it down[1]) for the disposal of the books 'according to law.' Then the warrant of their commitment to the islands, Aug. 27, 1637. This commitment was no device of mine; nor did I ever hear of it, till it was spoken by others in the Star-Chamber: nor do any one of these warrants prove anything that can be called my act. And I humbly conceive, that I ought not by law, nor can by usage of parliamentary proceedings, be charged single for those things, which were done in public courts. The last order was November 12, 1637, about the Aldermen of Coventry, and the *Quo warranto* resolved upon against the charter of that city, only for supposed favours showed to Mr. Pryn in his passage that way. First, 'tis confessed in the charge, that this was an act of the Lords. Secondly, that it was made at a full Board. Thirdly, 'tis not urged, that any one man disliked it. Fourthly, the complaint which caused it was, that both aldermen and their wives, and other citizens, were not content to show Mr. Pryn 2[illegible] kindness; but they both did and spake that which was disgraceful to the Star-Chamber sentence. But howsoever, there is no particular in that order, that is or can be charged upon me.

3. This for the warrants. The next witness concerning this charge was Tho. Edwards. He says, 'that three hampers of Mr. Pryn's books were taken out of his house,' (whither, it seems, they were conveyed for safety,) 'and no warrant showed to take them.' The weaker man he, to let his friend's books go so. But this witness hath not one word of me.

4. The next witness was Wi. Wickens; he says, 'he knew of no warrant neither; but that licence was given by the sheriffs about six years since.' Here's never a word

[1] ['lays it down' originally written 'confesses']

concerning me; nor am I to answer for the sheriffs' act. And whereas it is an aggravation in the charge, 'that all Mr. Pryn's books[1] were sold:' Tho. Edwards says, there were but three hampers of them; and this witness says, he bought them for two-and-thirty pounds: and these, neither by number nor price, could be half of Mr. Pryn's books[2], if I have heard truth of his library. Die Tertio et Quarto.

5. After this man's testimony, comes Mr. Pryn himself in his own cause. He made a long relation of the business, and full of bitterness against me. This I doubt not was purposely done, to represent me as odious as he could, to the Lords and the hearers. But I shall assume nothing to myself, that was done by order of the Court of Star-Chamber: whatsoever was done there by common consent, was their act, not mine; and if any treason be in it, they are as guilty as I; for treason admits no accessories. Nor will I meddle with the language: God forgive him that, and whatever else he hath done against me: only I shall answer to all such particulars of his, as seem to touch upon myself.

(1.) First then he says, 'he brought a prohibition, *an.* 1629, and that was the ground of my hatred against him.' For prohibitions, I shall answer when they are charged: but as I remember not this, so I bare him no hatred; and bearing him none, it could not be for that cause: nor doth he so much as offer to prove it was.

(2.) Next he says, 'I gave direction to Mr. Attorney Noy, and that Dr. Heylin drew some informations for him.' Dr. Heylin was well acquainted with Mr. Attorney; but how long, or upon what grounds, I know not: nor did I give Mr. Attorney any direction. What Dr. Heylin did, if he did anything, is nothing to me, unless I set him on; which is not proved, nor sworn.

(3.) He further says, that 'Mr. Attorney read his book twice over, and said that he found nothing amiss in it.' I know not what Mr. Attorney said to him; nor what he may say of Mr. Attorney, now he is dead: this I am sure of, and 'tis well known to some of your Lps., he said far otherwise in open court.

[1] ['Mr. Pryn's books' originally 'his books']
[2] ['books,' in margin.]

Die Tertio et Quarto.

(4.) He says, 'that his book was licensed to the press, and after that seized, and that the messenger told him it was done by me.' This was done by warrant of the High-Commission, not by me: nor doth he offer any proof against me, but that the messenger told him so; which is a bare hearsay, and no proof.

(5.) Then he says, 'that there was another order given about his business, and that I did it.' But he brings no proof for this, but that Mr. Ingram, the then keeper of the Fleet, told him so. But this is as bare a hearsay as the former, and Mr. Ingram not produced to make out the proof.

(123) (6.) Then he says, 'he writ me a letter, and that I sent it to Mr. Attorney, to have him yet further proceeded against.' 'Tis true, my Lords, he did write unto me; but whether it were a letter, or a libel, I leave other men to judge. This letter I [1] did send to Mr. Attorney; but only to let him see how I was used, not to have any further proceeding against him. But Mr. Attorney was so moved at the sight of it, that when he saw me next, he told me he would call him *ore tenus* for it. Therefore it seems, somewhat was very much amiss in it [2], call the writing what you will.

(7.) He says, 'Mr. Attorney thought he had not kept the letter; but he was deceived, for he had it.' But how was Mr. Attorney deceived? I'll tell your Lordships what himself told me. When Mr. Attorney saw that I would not agree to any further prosecution, he sent for Mr. Pryn, showed him the letter, and thought, after he had read it, to give him some good counsel, to desist from that libelling humour of his. But Mr. Pryn, after he had got the letter into his hands, went to the window, as if he meant to read it, and while Mr. Attorney was otherwise busied, he tare it into small pieces, and threw it out at the window, and then said unto him, 'This shall never rise in judgment against me.' Now he confesses he hath the letter still, and that Mr Attorney was deceived: belike he tare some other paper for it, and put the letter in his pocket. "But that you may see the honesty of this man, and what conscience he makes of that which he speaks upon his oath; here he says he had the

[1] ['letter I' originally 'letter (since he calls it so) I']
[2] ['in it,' in margin.]

letter still, and that Mr. Attorney was deceived: and yet after this, when he sets out his Breviate of my life, he confesses, in an unsavoury marginal note, 'that he tare it, Mr. Attorney having need of such a paper.[f]' And for this Breviate of his, if God lend me life and strength to end this first, I shall discover to the world the base and malicious slanders with which it is fraught." Die Tertio et Quarto.

(8.) He went on, and said, 'there was an order made against him when term was done, so that he could have no remedy.' This is directly against the Court and their order, not against me.

(9.) Then he cites out of the Epistle before my speech in the Star-Chamber[g], 'that I censured him for having his hand in the pamphlets of those times, and yet was doubtful of it.' The words are: 'For I doubt his pen is in all the pamphlets.' But first, 'tis acknowledged I gave no vote at all in his censure: and if I did not judicially censure him, then sure I was not doubtful, and yet censured. Secondly, he was censured upon his own pamphlet: and his hand was certainly in his own, what doubt soever I might make of its being in theirs. And thirdly, if the words be extended to their pamphlets also, that's nothing to prove I doubted of the justness of the sentence. For the words are not, 'I doubt his pen is in all those pamphlets of Mr. Burton's and Dr. Bastwick's[1];' but 'in all the pamphlets,' whether their
155 libels, or any others'; so I might be doubtful[2] of the one, and yet certain enough of the other.

(10.) And whereas he adds, 'that he was jointly charged with Dr. Bastwick and Mr. Burton, yet could not be suffered to speak together for a joint answer; and that his cross-bill was refused.' All this was done by the Court of Star-Chamber; not by me. And your Lps. know well the Ld. Keeper managed the affairs of that Court, not I.

(11.) Then he says, 'that at last, Mr. Holt came to him, but was threatened that very afternoon for it.' But he doth

[1] ['Dr. Bastwick's;' originally written, 'Dr. Bastwick's, of which these']
[2] ['doubtful' originally 'doubtful enough']

[f] W. Pryn's Breviate of the Archbishop's Life, p. 19. [See also the Archbishop's Diary at June 17, 1634. Works, vol. iii. p. 221.]

[g] Paulo post medium. [p. 65. in marg. in the copy followed for this reprint.]

Die Tertio et Quarto.

not tell your Lps. by whom; and for my part, more than civil giving him the time of the day, I never spake with him in all my life.

(12.) He tells your Lps. next, 'how he passed through Coventry, (to which I have spoken already[h],) and how through Chester, and how some Chester men were used concerning him, and his entertainment.' But, my Lords, whatsoever was done in this, was by the High Commission at York[i]; and if anything be therein amiss, they must answer that did it.

(13.) Lastly, he spake of 'sending Sir Wi. Balfore to me, and some other like particulars.' Of all which there is no proof, but a bare relation, what Mr. Hungerford, Mr. Ingram, and Sir Wi. Balfore said; which is all hearsay, and makes no evidence, unless they were present to witness what is said. "And here give me leave to observe, that Mr. Pryn hath in this charge woven together all that he could say concerning both causes, for which he was censured: for in the third particular he speaks of his book, for which he was first censured; and in the ninth and tenth, of his cross-bill, and the like, which were in his second cause."

6. The sixth witness was Mr. Burton, a party too. For that which he said agreeable to Mr. Pryn, it received the same answer. And he added nothing new, but 'that his wife was kept from him by warrant from the Lords:' and if it was by the Lords' order, then was it not by me. And when it was replied, that till he was sentenced to Garnsey, his wife had access to him: Mr. Burton answered, 'Yea; but, my Lords, she was not suffered to be with me at nights.' At which the Lords fell a laughing, and there ended his charge.

(124) 7. The last witness was Mrs. Bastwick: and she also said nothing different from Mr. Pryn; but that she was kept from her husband, and that she petitioned the Lords about it: but of me in particular, not one word. "And though Mr. Brown, in his last reply upon me[1], said, the time of these men's censure was the noted time of the oppression of the subjects' liberty; yet I shall crave leave to say of

[1] [From 'me,' to end of paragraph, on opposite page.]

[h] P. 122. [of orig. MS. See above, p. 106.]

[i] [See vol. iii. p. 402.]

these men, as S. Augustin once said of two great Donatists in his time, who, it seems, had received some sentence, and afterwards a return, not altogether unlike these men; (they were Felicianus and Prætextatus;) of those thus S. Augustin: 'If these men were innocent, why were they so condemned? and if they were guilty, why were they with such honour returned, and received [k]?' This applies itself. And here I am willing to put the reader in mind too, that Mr. Brown drawing up an exact sum of my charge, and pressing it hard against me, to my remembrance (and I think my notes could
56 not have slipped it) passed by this charge [1] concerning Mr. Pryn; and I cannot but think, he had some reason for it." Die Tertio et Quarto.

This tedious charge being over, the world ran round, and I was brought back again to another charge about demolishing the houses at S. Paul's; and here three witnesses more came against me. XI.[1]

1. The first was Mr. Bently [m]. He said, 'there were above sixty houses pulled down.' I answered, I know not the number; but if there were so many, the recompense given was sufficient for more. He said further, 'that there was twenty yards between the church and some of the houses.' There were very few, if any such (let him look to his oath); but then some were close upon the wall of the church. And suppose all had been twenty yards distant; that was not room enough to bring in and lodge materials for the repair, and to turn the carriages. And here again I made mention of my salvo, before desired, for the record of Ed. III. touching the like buildings, and their demolition.

2. The second witness was Mr. Goare [n]. For the sixty houses as was before testified, I gave the same answer; as also, that the act of the Council-table cannot be said to be my act. For St. Gregory's Church, they were not left without a place for Divine service (as he would fain have it thought): for they were assigned to a part of Christ-Church, till another

[1] ['charge' originally 'charge, and sure']

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[k] "Si innocentes erant, quare sic damnati sunt? si scelerati, quare sic recepti?"—Aug. Epist. clxxii. [li. Ben. § 2. Op., tom. ii. col. 175. B. C.]

[l] [The business of the fourth day here properly begins; the previous cases having been heard on the third day, according to Lords' Journals.]

[m] ['John Bentley,' Lords' Journals.]

[n] ['Gerrard Gore,' Lords' Journals.]

Die Tertio et Quarto.

church might be built for them [o]. And for the pulling down of St. Gregory's, 'tis well known to divers of that parish, that I was not so much as one of the referees, to whose view and consideration it was referred. But the truth is, this man rented the parsonage-house, and had a good pennyworth of it to gain by his under-tenant. The going down of that house troubles him, and not the church.

3. The third witness, Walter Biggs [p], says nothing different from the two former; but 'that I said I was opposed for the pulling down of the houses.' Whence it was inferred, that it was my act; because I was opposed. But, my Lords, I hope I might say 'I was opposed,' without any offence, or without taking the orders of the Council-table to myself: for 'tis well known, the work of that repair, under God, was mine; and I took no indirect, no oppressing way to it; nor can I now be ashamed of that, which in future times, in despite of the present malice, will be my honour. So that the care of the work lying upon me, I might well say 'I was opposed,' though the opposition went higher, against the orders of the Lords.

XII. The last charge of this day, was about the putting down of two brewers in Westminster, because the excessive [and noisome smoke from thence much annoyed the King's house, gardens, and park at S. James. These two were Mr. Bond [q] and Mr. Arnold [r].

1. For Mr. Bond, he begins with somewhat that I should say at the Council-table: as namely, that 'he must seal a bond of two thousand pounds, to brew no more with sea-coal.' Now this argues, if I did so speak, that it was in delivering to him the sense of the Board; which office (as I have before expressed, and is well known) was usually put upon me, if I were present. And your Lps. may here again see, what envy hath followed me upon that, which I could not decline. He says further, that upon this 'Mr. Attorney Banks proceeded against him in the Exchequer;' that there, upon some occasion, 'the Ld. Chief Baron should say, Ye are wise witnesses for the King;' that 'his counsel were forbid

[o] [See the orders of Council relating to S. Gregory's Church, in Rushworth's Collections, vol. ii. pp. 462, 463.]

[p] [The name of this witness is not mentioned in Lords' Journals.]

[q] ['Edward Bond,' Lords' Journals.]

[r] ['Michael Arnold,' Lords' Journals.]

to plead; and so a verdict passed for the King.' All this is nothing to me; I was neither Chief Baron nor witness, nor one of the jury that gave the verdict. He says, he was informed, 'that[1] there was an order of Council made, that no man should put up a petition for him.' But himself doth not so much as mention, that this order was procured by me: and it is but a report, that no petition might be delivered for him; and none of them that told him so, produced for proof: so he scandalizes the Lords by hearsay. Die Tertio et Quarto.

Next he says, 'that the King graciously sent him with a reference to the Council for satisfaction.' First, I must believe, if he were so sent, the wrong being only the King's, and he willing he should have satisfaction however for his loss, "that the Lords would never refuse in such a case, whatsoever is here said to the contrary. Secondly, it may be observed, how gracious the King was to the subject; that though the annoyance was great to that house of his recreation and retiring near the city, yet he would not have Mr. Bond suffer without satisfaction: notwithstanding which goodness of the King[2], he comes into this great Court; and, so he may have a blow at me, blasts (as much [as] in him lies) all the King's proceedings, under the name of op(125)pression, and that in a high degree." He says also, 'that a friend of his persuaded him to come to me, and offer me somewhat to S. Paul's; and that he did come to me accordingly, and that I said I must have of him a thousand pound to S. Paul's; that he was not unwilling to give it, because his brewing was worth twice as much to him.' My Lords, I humbly desire your Lordships to consider this part of the charge well. First, what friend of his this was, that came so to him, he says not, nor do I know, and so have no possibility to examine. Secondly, he says not that I sent this friend of his to him, thus to advise him; and then his coming no way concerns me. Thirdly, when he was come upon this friend's persuasion, if he were willing to give a thousand pound to S. Paul's, in regard of his double gain from his brewhouse, as himself confesses[3]; I do not see (under favour) what crime

[1] ['he was informed, that' in margin.]
[2] ['notwithstanding . . . the King,' in margin.]
[3] ['as himself confesses;' in margin.]

Die Tertio et Quarto.

or oppression is in it. Lastly, I remember none of this, and let him well weigh [1] his oath with himself: for I cannot call to mind [2] one penny that he gave to S. Paul's: nor yet shall I ever think it [3] a sin, to take a thousand pound to such a work, from any rich and able man that shall voluntarily offer it; especially upon hope of gaining twice as much.

To make this charge the heavier, he says, 'I sent him to the Queen-mother [*], who lay then at S. James's; and that there he was laboured by some about her to change his religion, and then he should have all favour.' This is a bold oath; let him look to it, for I sent him not. It may be I might tell him, that if the Queen-mother were offended with the annoyance from his house, it would not be in my power to help him; which was true. And that about his religion, was added, to make your Lps. think, that I sent him thither for that purpose: but God be thanked, this witness says not any one word tending that way. And for [the] Queen-mother, since she is thus [4] mentioned, I shall crave leave to say two things: the one, that I did both in open Council, and privately, oppose her coming into England, with all the strength I had; though little to my own ease, as I after found: the other, that after she was come, the Lords of the Council went in a body to do their duty to her: that time I could not but go; but never, either before or after, was I with her.

Then he concludes, 'that there was a *capias* out for him, and that he was fain to make an escape by night, which he did to Alderman Pennington, who very nobly succoured him privately in his house.' All which concerns me nothing.

2. The other witness is Mr. Arnold; who told as long a tale as this, to as little purpose. He speaks of three brew-houses in Westminster, 'all to be put down, or not brew with sea-coal; that Secretary Windebanck gave the order.' Thus

[1] [A word erased before 'weigh']
[2] ['I cannot call to mind' originally 'I do not rem.' (*sic.*)]
[3] ['think it' originally 'take it']
[4] ['thus' interlined. Originally written, 'mentioned in this way.']

[*] [Mary de Medicis. She came to England in Oct. 1637.]

far it concerns not me. He added, 'that I told him they burnt sea-coal.' I said indeed, I was informed they did; and that I hope was no offence. He says, 'that upon Sir John Bankes his new information, four Lords were appointed to view the brewhouses, and what they burnt.' But I was none of the four, nor did I make any report, for or against. He says, 'Mr. Attorney Banks came one day over to him, and told him that his house annoyed Lambeth, and that I sent him over.' The truth is this: Mr. Attorney came one day over to dine with me at Lambeth, and walking in the garden before dinner, we were very sufficiently annoyed from a brewhouse; the wind bringing over so much smoke, as made us leave the place. Upon this Mr. Attorney asked me, why I would not show myself more against those brewhouses [1], being more annoyed by them [2] than any other? I replied, I would never be a means to undo any man, or put him from his trade, to free myself from smoke. And this witness doth after confess, that I said the same words to himself. Mr. Attorney at our parting said, he would call in at the brewhouse: I left him to do as he pleased, but sent him not: and humbly desired Mr. Attorney may be examined of the truth of this. Die Tertio et Quarto.

He further says, that he came over to me to Lambeth, 'and confesses the words before mentioned; and that he offered me ten pound yearly to S. Paul's, and that I said he might give twenty.' He says, that 'I sent him to Mr. Attorney; but withal told him, that if he found not such favour as I wished him, it was a sign he had more powerful adversaries than my friendship could take off.' In all this I cannot see what fault I have committed. And I foretold him truth: for though the business (126) were after referred to Mr. Attorney and myself, (as himself says,) yet we were not able to end it. Then he says, 'I would not suffer Sir Ed. Powell, Mster. of the Requests, to deliver his petition to the King.' But first, this is but Sir Ed. Powell's report, and so no proof, unless he were produced to justify it. Secondly, the world knows I had no power in Sir Edward: he would

[1] ['those brewhouses,' originally written 'those brewhouses, than']
[2] ['by them' in margin.]

Die Tertio et Quarto. then willingly have delivered petition, or anything else, that he thought might hurt me: and the cause is known [t].

Lastly, he says[1], 'Mr. Attorney sent out a *capias* for him; that the sheriff came by force to take him, and what hard shift he made to escape: that after, upon his petition, the Lords gave him six months' time to provide himself elsewhere; and that he was fain to give five hundred pound bond not to brew there.' To all this I then said, and say 25
still: First, here's no one thing charged upon me in particular. Secondly, here's not a word of my advice or endeavour to set on Mr. Attorney, or to move the Lords to anything against him. And whereas it hath been urged, that my power was such, that[2] I swayed the Lords to go my way: this cannot be said, without laying an imputation upon the Lords, as if they could so easily be over-wrought by any one man, and that against law; which is a most unworthy aspersion upon men of honour. And if all this were true, it is but treason against[3] a brewhouse. Nor yet may this be called slighting of any evidence, which is but to answer home in my own just defence. "And out of this I gave my answer to Mr. Browne's summary charge against me in the House of Commons, for that which concerned these two brewers[4 u]."

And here, before I close this day, give me leave, I beseech your Lps., to observe two things: First, that here have

[1] ['he says,' originally 'he tells me,']
[2] ['that' originally 'as that']
[3] ['against' in margin.]
[4] ['charge . . . brewers.' on opposite page.]

[t] [Edward, son and heir of Edward Powell of Fulham and Pengethly, was created a Baronet, Jan. 18, 162½.]

[u] [It appears from the Lords' Journals, that on Monday, March 18, the Archbishop, after the hearing of the two last-mentioned cases, concerning S. Gregory's Church and the brewers, made his reply to the charges brought on the previous Saturday; that the House then adjourned to an afternoon sitting, when the Archbishop replied to the evidence in the case of the brewers. It was ordered in the morning sitting, "That the Archbishop shall have liberty till four of the clock this afternoon, to make his answer to the evidence given in the morning; and that Mr. Dell, his Secretary, shall be permitted to be with him during the trial of his business." It was ordered in the afternoon sitting, "That this House will further proceed against the Archbishop of Canterbury, on Friday morning, at nine of the clock; and that in the meantime, his counsel shall have recourse unto him, according to the former orders of this House; and shall have a salvo to make use of the Record of Edward III., mentioned by the Archbishop this day in his defence.]

been thirteen witnesses at least produced in their own cause. Secondly, that whereas here have been so many things urged this day about the Star-Chamber and the Council-table; the Act made this Parliament [x], for the regulating of the one, and the taking away of the other, takes no notice of anything past; and yet acts past (and those joint acts of the Council, and not mine) are urged as treasonable, or conducing to treason, against [1] me. Nay, the Act is so far from looking back, or making such offences treason, as that if any offend in future, and that several times, yet the Act makes it but misdemeanour, and prescribes punishments accordingly. Die Tertio et Quarto.

[1] ['against' originally 'in']

[x] [16 Car. I. cap. x.]

CAP. XXVI.

FRIDAY. THE FIFTH DAY OF MY HEARING.

I. Mar. 22, 164½. Die Quinto.

THE first charge of this day was concerning the indictment of Mr. Newcommin, a minister at Colchester, for refusing to administer the sacrament but at the rails[a]; and the prosecution which followed against Burrowes for this. The two witnesses of the particulars are Burrowes[b] and Mr. Aske[c].

1. The testimony which Burrowes gave was: 'That Mr. Newcommin would not administer the communion but at the rail; that he indicted him for receiving it there; that the foreman threw it out,' &c. If Mr. Newcommin did this, complaint might have been made of him; but howsoever, here's no one word of any command from me. And it seems the factious malice of Burrowes was seen, that the foreman at first threw away the indictment. He says, 'that upon this he was called into the High Commission; a warrant from me; his house beset; Stockdall left the warrant with the Mayor; a *habeas corpus* not obeyed.' The warrant, by which he was detained, was from the High Commission, not from me: and himself says[1], there were six or seven hands to the warrant. But then he says[2], 'My hand alone was to another warrant[3];' which is impossible, for there must be three hands at the least, or no warrant can issue out: and all his proof of this latter is, that he saw my hand; which I hope he may do, though other hands besides mine were to it. For the *habeas corpus*, if the Mayor said, (for so Burrowes adds,) 'he would obey my warrant, rather than the King's writ, because it came first;' he was extremely ill-advised: but if a mayor of a town give an indiscreet, or a worse answer, I hope that shall not be imputed to me. And

[1] [Some words here erased, beginning, 'though upon oath, speaks either' the rest illegible.]

[2] ['But then he says,' in margin. Originally written, 'And by-and-by he says,']

[3] ['to another warrant' originally 'to it']

[a] [This appears to be the case referred to in Accounts of Province for the year 1639. Works, vol. v. p. 364.]

[b] ['Samuel Burroughs,' Lords' Journals.]

[c] ['Richard Aske,' Lords' Journals.].

if there be anything in this business, why is not Stockdall the messenger produced, that knows those proceedings? Lastly, he speaks 'of a letter sent to Judge Crawlye[d], and showed to Judge Hutton[e].' But first, he says not, that letter was sent by me, or by my means. Secondly, he names not the contents of the letter; (127) without which, no man can tell, whether it charge anything upon me or not. And until the letter be produced, or sufficiently witnessed, (neither of which is offered,) 'tis but like a written hearsay. And I humbly pray you to observe from himself, that the two reverend judges looking into the business, said, it was a mere cheat for money, and returned him back to Colchester: which is a proof too, that the *habeas corpus* was obeyed; for if he were not brought up before them, how could he be returned by them? Die Quinto.

2. Then Mr. Aske, the second witness, was produced. He said, 'there came players to town, and that some, which said they came from me, were taken in a tavern upon Easter-eve at unseasonable hours.' I know not of any that were sent from me: but if any were, and kept any disorder in the town, especially at such a time, Mr. Aske did very well to question them. He says, that 'upon the matter I referred him twice to Sir John Lambe, and that at the second time he found the plot was to make him an instrument about the rails, which he absolutely refused.' I did refer him (and it may be twice) to Sir John Lambe; but if Sir John[1] spake to him about the rails, he had no commission from me so to do. I understood Mr. Aske too well, to offer to make him an instrument in such a business. "His zeal would have set the rails on fire, so soon as ever he had come near them[f]."

Next he says, 'that Mr. Newcommin was indicted, as is aforesaid, and that indictment found: that letters missive were sent for him and his wife, by Stockdall.' If letters missive by Stockdall, then they were sent by the High Commission, whose joint act cannot be charged upon me: and if

[1] ['Sir John' in margin. Originally 'he']

[d] [Sir Francis Crawley. He was impeached by the Commons in 1641, for the part he took respecting ship-money. See Rushworth's Collections, vol. v. p. 329.]

[e] [Sir Rich. Hutton, one of the Justices of Common Pleas. He was the author of 'Reports.' (Wood, Ath. Ox. iii. 26.)]

[f] Frigidius dictum.—W. S. A. C.

Die Quinto,

anything can be proved, why is not Stockdall produced? He says, 'that he went into Holland to avoid the oath *ex officio*. The oath *ex officio* was then the common, and, for aught I yet know, then the legal course of that court: so I could not help the tender of that oath unto them, had they stayed and appeared. But the truth is, he was too guilty to appear; for his wife was a separatist, and himself confesses, that she came not to the prayers of the Church. And as for him, I ever found him the great maintainer of all wilful opposition against the Church. He further says, he came to me to Croydon; and 'that there I told him, he might have put the indictment against Mr. Newcommin in his pocket.' Indeed, my Lords, if I did say so, I think I spake it truly. For if he had borne any respect to the reputation of the clergy, I think he might have pocketed it for one sessions, without any prejudice at all to the law or anything else. God knows, this is often done. And if thereupon I added, as Mr. Aske says I did, 'that if he were so strictly set against churchmen in the temporal courts, he must look for as strict proceedings in the High Commission,' I see no great crime in it; for we are as strictly bound to prosecute in the one, as he was in the other. And if his clerk, as he says, 'was attached, who read[1] the indictment,' yet it is not said by himself that he was attached for reading it. "And if it were so, that some jurors were attached, and not Mr. Aske's clerk only, (as Mr. Browne pressed it in the sum of his charge,) yet the answer comes all to one. For no witness says, these jurors were called into the High Commission for being jurors, or discharging that legal duty. And then I hope a man's being of a jury shall not excuse him for[s] answering any crime in any court that hath power to call him: provided he be not called off at the time of his service, or while he is under the privilege of that court in which he is a juror. And according to this I gave Mr. Browne my answer[2]. And howsoever, the attachment goes, of course, out from the Commission, and not from me[3]."

[1] ['who read' in marg. Originally, 'for reading']
[2] ['And if it were . . . answer.' on opposite page.]
[3] [Some words here erased so as to be illegible.]

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s 'from'

The second charge of this day[h] was about the censure which fell on the inhabitants of Beckington in Somersetshire, about their refusing to remove the communion-table according to the order of their diocesan[i]: about which were produced three witnesses, to whose evidence I shall answer in order. Die Quinto. II.

262 1. The first was Wi. Longe, who says he was foreman of the jury, when these men were indicted for a riot; and that, 'as he conceives, the parson spake with the judge about it, which caused a sudden verdict.' The parson of the place spake with the judge, and he conceives that produced a sudden verdict. First, he doth but conceive so, and that can make no proof. If it did make proof, 'tis only against the parson, not against me. And if the parson speaking of it did say, (as Mr. Longe affirms he did,) 'that this riot was like a Waldensian or Swisserland commotion,' he must answer for his own distempered language; me it cannot concern.

2. The second witness was George Longe. He says, 'the Bp. of Bath[j] commanded the communion-table to be removed, and set at the upper end of the chancel; that the churchwardens refusing, were excommunicated.' But he says withal, that they appealed to the Arches, and had remedy. Then he adds further, 'that the Bp. proceeded again, but the churchwardens would not remove it, saying it was an innovation, and against law.' But, my Lds., 'tis neither: and therefore these churchwardens were in a great contempt against their Bishop, to the ill (128) example of all that country. And that it is no innovation against law, appears by the Injunctions of Queen Elizabeth, where it is commanded expressly to be set there. The words are: 'The holy table in every church' (not cathedrals only) 'shall be decently made, and set in the place where the altar stood[k].' Now all men know, that with us in England the altar stood north and south, at the upper end of the chancel; and to set it east and west had been cross the place where the altar stood, and not in it. And this being law in the beginning of the Reformation, cannot now be an innovation.

[h] [The Lords' Journals mention only the case of Colchester as entered into on this day.]

[i] [This case is stated in full in Prynne's Cant. Doom, pp. 97—101: and several papers on the same subject are preserved in MSS. Lamb., numb. 943, pp. 481—505.]

[j] [William Pierce.]

[k] Injunct. of Q. Eliz. fine. [In Wilkins' Concilia, tom. iv. p. 188.]

Die Quinto.

When they came to me again, (as they say they did,) if I then told them, 'they deserved to be laid by the heels for the contempt of their Bp.;' under favour, my Lords, I spake truth. And give me leave, I beseech you, to tell you this: it began to be a general complaint, not of the Bishop of Bath only, but of other bishops also, that they could do little or no service in their several countries, by reason of the inhibitions which issued out of my courts to stay their proceedings. And I wanted no good friends in Court to tell the King as much, when anything was complained of. By this I was brought into great straits: deny appeals I might not; frequent granting in my courts destroyed in a manner the Bps'. jurisdictions. In this difficulty, seeing the wilfulness of these men, and knowing they had received full benefit by their appeal once already in the same case; I did refuse to hear any more of it, (unless there were new matter;) but yet left them free to appeal to the delegates.

For Mr. Hughes[1], the parson there, if 'he gave ill words, or laid violent hands on any of his neighbours,' it concerns not me: let him answer for what he hath said, or done. 'Tis further said, that 'Mr. Hughes was with me at Windsor, and had letters from me to the Lord Chief Justice Finch.' But this witness delivers not this upon his own knowledge; I sent no letter by him, nor did he see me send by any other: so this is merely a report, and he doth not so much as tell from whom. Yea, but then he says, 'that Mr. Morgan,' a man inward with the judge, 'told him, that the judge told him, that the little man had put a spoke in their cart; and thereupon,' as he conceives, 'the petty jury was changed.' Here are, if your Lordships mark them, two great proofs. The one is the witness's report of Mr. Morgan's report, that the judge had said so of me: but why is not Mr. Morgan produced to clear this? The other is not the knowledge, but the conceit only of the witness: 'he conceives,' which, I am confident, cannot sway with your Lps. for a proof. "Besides, were Mr. Morgan never so inward with that judge, yet it follows not that he must know all. And if that judge

[1] [Alexander Huish was the name of the Incumbent. Wood (Ath. Ox. iii. 812) gives a favourable notice of him, and mentions, among other things, that he assisted Walton in the Polyglott Bible.]

did mean me, (for name me he did not,) he did me the more wrong. For I never desired anything of any judge, him or other, but what was according to law. Nay, I so expressed myself, as that, if by mistake or misinformation I had desired anything which was not according to law, I humbly desired my motion might be, as if it had never been made[1]." Die Quinto.

3. The third witness is Mr. John Ash[m]. That which this gentleman says is, 'that Sir John Lambe told that man which came about that business[2] [he] could have no appeal admitted without me; and that if he would be so troublesome, he should be laid by the heels.' I have[3] given your Lps. an account, why he could not have an appeal without me: he had had the benefit of an appeal before in the same cause. And for this witness, he delivers no knowledge of his own; but only he says, the man employed related it to him: so 'tis a relation, no proof. He says, 'the penance was enjoined them in three churches[n].' And truly, my Lds., their disobedience to their Bishop was great; but if the penance enjoined were too heavy, it was the act of their own Bp., not mine. Then he says, 'that the Ld. Finch told him, another powerful hand was upon him, intimating me.' First, this is no knowledge of the witness, but a speech of the Lord Finch. Secondly, if the Ld. Finch did say so, of a powerful hand, he wronged me much, but himself more, to confess he could be drawn awry in judgment. Thirdly, this witness says not that he named me, but that he 'intimated me:' I pray your Lps'. judgment, what a forward witness[4] this man is, that can upon oath deliver what is intimated, and of whom.

He says further, 'that upon petition to Sir Wi. Portman, for some assistance, the Bishop of Bath laid all upon me; and that when himself came to me at the Tower, since my restraint, I told him the Bp. of Bath did like an obedient Bp. to his Metropolitan.' For this, my Lords, here is no proof that the Bishop laid this business upon me, but Sir W. Portman's report. Sir William is a worthy gentleman;

[1] ['it follows . . . made.' on opposite page.]
[2] ['told . . . business,' in marg. Originally, 'told him he']
[3] [Originally written 'This was']
[4] ['witness' interlined.]

[m] [Lord of the Manor of Beckington, and M.P. for Westbury.]
[n] [Beckington, Frome Selwood, and SS. Peter and Paul in Bath.]

Die Quinto.

why is not he produced? Why is not the Bishop, that is said to lay all upon me, brought into the court, that he may clear himself and me, if he said it not; or that I may make him ashamed, if he said it? 'For 'tis confessed, that in the first business, the churchwardens had remedy by their appeal to me; but that then the (129) Bishop began again, as the former witness declared: nor knew I anything of this business till the appeal came. As for my answer to himself, that, under favour, is quite mistaken: for I did not say, that in this particular, but that in his general proceedings in his 2ℓ diocese, 'the Bishop of Bath carried himself like an obedient Bp. to his Metropolitan.' Nor can my words be drawn to mean this particular: for how could I say, that in this particular he carried himself like an obedient Bishop to me, when after remedy given to these men by their first appeal into my court, he began with them again upon the same cause? Besides, my Lords, this is not the first time Mr. Ash hath mistaken me. "Mr. Browne, in summing up this charge against me, falls twice very heavily upon this business of Beckington. First, for the point of religion: and there he quoted a passage out of my speech in the Star-Chamber, where 'I do reserve the indifferency of the standing of the communion-table either way[o];' and yet, saith he, they were thus heavily sentenced for that which I myself hold indifferent. But first, this sentence was laid upon them by their own bishop, not by me. Secondly, the more indifferent the thing was, the greater was their contumacy to disobey their ordinary: and had it not been a thing so indifferent, and without danger of advancing Popery, would Queen Elizabeth, who banished Popery out of the kingdom, have endured it in her own chapel all her time? Thirdly, the heaviness of the sentence so much complained of was but to confess their contumacy in three churches of the diocese, to example other men's obedience. Secondly, for the same point, as it contained matter against law, I answered Mr. Browne as I had before answered the Lords [1] [p]."

[1] ['Mr. Browne, in summing up . . . Lords.' on opposite page.

[o] [Speech against Burton, Prynne, and Bastwick,] p. 54 [of orig. Edit.; p. 180 in marg. in this present reprint. See Works, vol. vi.]

[p] P. 128 [of orig. MS. See above, p. 121.]

The third charge was about certain houses given to S. Edmund's, Lombard-street, where old Mr. Pagett is parson[q]. The witnesses are two. Die Quinto. III.

1. The first is Mr. Symms; who says, 'that after a[1] verdict, Mr. Pagett, the incumbent, upon a pretence, that these tenements were church-land, got a reference to the Ld. Bishop of London, then Lord Treasurer, and myself.' My Lords, we procured not the reference: but when it was brought to us under the King's hand, we could not refuse to sit upon it. Upon full hearing, we were satisfied that the cause was not rightly stated, and therefore we referred them to the law again for another trial; and for costs to the Barons of that court. "And this was the answer which I gave to Mr. Browne, when he instanced in this case[2]." He says, 'the houses were given to superstitious uses.' But possessions are not to be carried away for saying so. If men may get land from others, by saying it was given to superstitious uses, they may get an easy purchase. And Mr. Symms is here in his own case: but whether the houses were given to superstitious uses or not, is the thing to be tried in law, and not to be pleaded to us[3]. He complains, 'that I would not hear his petition alone:' and surely, my Lords, I had no reason, since[4] it was referred to another with me. And yet I see, though I was not in the reference alone, nor would hear it alone, yet I must be alone in the treason. And here I desired that Mr. Pagett, the incumbent, might be heard.

2. The other witness was Mr. Barnard. He says, he was present at the hearing, 'and that Mr. Symms said he was undone, if he must go to a new trial.' But, my Lords, so many men say, that by their troublesomeness in lawsuits go about to undo others. He says, 'that Mr. Pagett named his own referees.' If that be so, 'tis no fault of mine. He says, 'the reference was made to us only to certify, not to make any order in it.' If this be so, here's no proof so much

[1] ['a' interlined.] [2] ['And this . . . case.' in marg.]
[3] ['to us.' originally written, 'here.']
[4] ['reason, since' originally 'reason, for since']

[q] [Ephraim Pagit, or Paget, the author of the 'Heresiography.' He was so molested in the beginning of the Rebellion, that he gave up his living, and retired to Deptford, in Kent, where he died, according to Wood, in 1647. In the Preface to the sixth edition of the 'Heresiography,' he is said to have died in 1650, aged 84. (Wood, Ath. Ox. iii. 210, 211).]

Die Quinto. as offered, that we did not certify, as we were required, and then had power given to order it, which we did. And he confesses the counsel on both sides had full hearing before aught was done.

IV. The fourth charge of this day was concerning the imprisonment of one Grafton, an upholster in London. The witnesses three; of which,—

1. The first is Grafton, in his own cause; and 'tis much if he cannot tell a plausible tale for himself. He says first, 'that twelve years ago he was committed, and fined fifty pounds, by other commissioners.' By others, my Lords; therefore not by me; and an act of the High Commission, by his own words, it appears to be[1]. He says, 'he was continued in prison by my procurement, as he verily believes.' First, 'as he verily believes' is no proof. And the ground of his belief is as weak; for he gives no reason of it but this, 'that Dr. Ryves, the King's Advocate[r], spake with the Barons;' but he doth not say about what, or from whom[2]. He adds further, 'that Mr. Ingram, keeper of the Fleet, would not give way to his release[3], notwithstanding the Barons' orders, till he heard from me.' Here's no man produced, that heard Mr. Ingram say so, nor is Mr. Ingram himself brought to testify. Lastly, he says, 'that he then made means in court, and so repaired to the Barons again, but all in vain; and that Baron Trevor[s] cried out, 'O the Bishop! O the Bishop!' First, here's a confession of means in court made to the judges; so belike, they may have means made to them, so it be not by me. For the particular, I did humbly desire the Baron, being then present, might be asked. He was asked; he blushed and fumbled, the Lords laughed, and I could not hear what he said.

2. The second witness was Mr. Lenthall; but he said nothing but that 'there was an order for Grafton's liberty,' which is not denied.

[1] ['be.' originally written 'me.']
[2] ['but . . . whom.' in margin.]
[3] ['release,' originally 'release, till']

[r] [Thomas Ryves; he was afterwards employed by King Charles at the treaty of Newport. See a notice of his Life in Wood, Ath. Ox. iii. 304.]

[s] [Sir Thomas Trevor, one of the Barons of the Exchequer. He had been already fined, on his impeachment by the Commons, though permitted to continue in his office. See the articles against him in Rushworth's Collections, vol. v. pp. 339 seq.]

3. The third was Mr. Rivett. He says, 'that Mr. Ingram said that Grafton was a Brownist, and must be brought into the Fleet again, because he did much hurt among the King's subjects.' This is a bare report of a speech (130) of Mr. Ingram; it no way concerns me. And a separatist he is from the Church of England; but whether a Brownist or no I cannot tell, there are so many sects, (God help us!) And much harm he hath done among weak people; for most true it is, which S. Cyril[1] observes, Προετοιμάζει ὁ Διάβολος τὰ σχίσματα τῶν λαῶν, ἵνα εὐπαράδεκτος γένηται ὁ ἐρχόμενος[t]. 'That the Devil prepares these schismatical separations, that so much the more easily the enemy may be received.' As for this man, he was in his way[2] cunning enough; for, under pretence that he suffered by me, he got Madame Vantlett, and other of the French, to negotiate with the Queen's Majesty in his behalf. And this I found, that sometimes, when her Majesty knew not of it, they sent to the Barons for favour for him. "And yet I never heard that Baron Trevor ever cried out, 'O the French! O the French!' Nor can I tell what stopped his mouth in this cry, and opened it so 36 wide in the other, when we moved to defend ourselves and our proceedings. Where, I humbly desire, this passage of the law may be considered. In the case of depraving the Common Prayer-book, (so much scorned and vilified at this day,) and for not coming to church, the words of the law are,—'For due execution hereof, the Queen's most excellent Majesty, the Lords Temporal, and all the Commons in this present Parliament assembled, do in God's name earnestly require and charge all the archbishops, and bishops, and other ordinaries, that they shall endeavour to the uttermost of their knowledge that the due and true execution hereof may be had throughout their dioceses and charges, as they will answer before God,' &c.[u] Now, if I do not this, here's an apparent breach of the law; and if I do it against this common and great depraver of this book, then the judge, who by this law should assist me, cries, 'O the Bishop!' And

Die Quinto.

[1] [Originally, 'S. Cyril of Jerusalem']

[2] ['for most . . . way' on opposite page. It was originally written, 'as I have been afterwards informed, and cunning enough he was;']

[t] Cyril. Hierosol. Cateche. xv. [§ 9, p. 227. Paris, 1720.]

[u] 1 Eliz. c. 2. [§ 15.]

Die Quinto. this answer I gave Mr. Browne, when he summed his charge against me[1]."

V. The fifth charge of this day was Mr. John Ward's case, in a suit about simony in the High Commission.

He says (for he also is in his own cause), 'that upon a pretence of a lapse by simony, I procured a presentation from the King to the church of Dunnington[v].' His Majesty trusted me with the titles, which did accrue to him in that kind; and because simony had been so rife, commanded me to be careful I might not betray this trust; and therefore, the simony being offered to be proved, I procured his Majesty's presentation for trial of the title. And this, I conceive, was no offence; though this be that which he calls 'the heaviness of my hand upon him.' He further says, 'that I sent to the Bishop of Norwich[w] to admit the King's Clerk, the church being void, 7 Junii, 1638.' Nor do I yet see, my Lords, what crime it is in me, trusted especially as before, to send to the bishop to admit, when the church is void. Many lay patrons do that upon allegation of simony, before proof[2]; "and Mr. Bland, produced as a witness also, says that the Lord Goring[x] prevailed with the Ld. Bishop of Norwich not to admit. And I hope an Archbp., and trusted therein by his Majesty, may as lawfully write to the ordinary for admission of the King's Clerk, as any lay lord may write against it. But Mr. Ward says nothing to[3] this of the Lord Goring; but adds, that Sir John Rowse[y] prevented this admission by a *Ne admittas*, Junii 12; and that thereupon I said, 'it was to no purpose for us to sit there, if, after a long trial and judgment given, all might be stopped.' If I did say so, I think it is a manifest truth that I spake; for it were far better not to have simony tried at all in ecclesiastical courts, than after a long trial to have it called off into Westminster Hall, "to the double charge and trouble of the

[1] ['proceedings. Where,' . . . me.' on opposite page.]
[2] ['proof;' orig. 'proof. He adds, that Sir John Rowse' (as below in text.)]
[3] ['to' originally 'in']

[v] [Ezekiel Wright was presented by the Crown to Dennington, (which is the correct name of the place,) April 3, 1637. The living is stated to have been vacant by reason of Simony. (Rymer, Fœd. IX. ii. 143.)]
[w] [Rich. Montagu.]
[x] [George Goring, first Baron Goring.]
[y] [Sir John Rowse, of Rowselench, in Warwickshire.]

subject. But if the law will have it otherwise, we cannot help that. Nor is this expression of mine any violation of the law." Die Quinto.

Then he says, a 'letter was directed from the Court of the High Commission to the judges, to revoke the *Ne admittas*; and that I was forward to have the letter sent.' How forward soever I was, yet it is confessed the letter was sent by the court, not by me. And let the letter be produced, it shall therein appear, that it was not to revoke the *Ne admittas*,
67 but to desire the judges to consider, whether it were not fit to be revoked, considering the church was not void till Junii 14. And it hath been usual in that court to write or send some of their body to the temporal judges, where they conceive there hath been a misinformation or a mistake in the cause, the judges being still free to judge according to law, both for the one and the other. And here he confesses the writ of *Ne admittas* was revoked by three judges, and therefore, I think, legally.

But here he hopes he hath found me in a contradiction. 'For when I writ to the Bishop of Norwich, Junii 7, 1638, I there said the church was void; whereas this letter to the judges says it was not void till Junii 14.' But here is no contradiction at all; for after the trial past, and the simony proved, the church is void to so much as the bishop's giving of institution; and so I writ Junii 7. But till the sentence was pronounced in open court, and read, the church was not void as touching those legalities, which, as I humbly conceive, do not till then take place in Westminster Hall; and the reading of the sentence was not till Junii 14. However, if I were mistaken in my own private letter to the Bishop, yet that was better thought on in the letter from the High-Commission to the judges. He says lastly, 'that upon a *Quare impedit* after taken forth, it was found that the King had no right.' Why, my Lords, if different courts judge differently of simony, I hope that shall not be imputed to me. In the court where I sat, I judged according to my conscience, and the law, and the proof, as it appeared to me. And for Dr. Reeves[s] his letter, which he says 'was sent to the cursitor to

[s] [The name is thus spelt in the MS. The person meant is Dr. Ryves, mentioned above, p. 126, note [r].]

Die Quinto. stop the *Ne admittas*, let Dr. Reeves answer it: the witness himself confesses, that Dr. Reeves says the command to the cursitor was from the Lord Keeper, not from me. "And here ends the treason against Mr. Ward; and till now I did not think any could have been committed against a minister."

VI. Then followed the case of Ferdinando Adams[a] his excommunication, and the suits which followed it: as it will appear in[b] the witnesses following, which were four.

(131) 1. The first was Mr. Hen. Dade, the commissary then before whom the cause began; and he confesses 'he did excommunicate Adams for not blotting out a sentence of Scripture, which the said Adams had caused to be written upon the church wall, as in many churches sentences of Scripture are written.' But he tells your Lps. too, that this sentence was, 'My house shall be called the house of prayer; but ye have made it a den of thieves[c].' The commissary's court was kept (as usually it is) at or toward the west end of the church; and just over the court Adams had written this sentence upon the wall, merely to put a scorn and a scandal (though I hope an unjust one) upon that court. "He was commanded to blot it out. He would not, because it was Scripture; as if a man might not revile and slander, nay, speak treason too, (if he will be so wicked,) and all in Scripture phrase: witness that lewd speech lately uttered, 'To your tents, O Israel[d],' &c." Upon this he was excommunicated, and I cannot but think he well deserved it. For the suit which followed against Mr. Dade in the Star-Chamber; the motion, 'that Mr. Attorney would leave him to the 2
common prosecutor, and not follow it in his own name,' himself confesses was made in open court by Mr. Bierly, and that from me he had no instructions at all.

2. The second witness is Adams, in his own cause. To the place of Scripture I have spoken already. And the next that he says is, 'that Sir Nath. Brent, in my visitation, commanded the setting of the communion-table at the upper end of the chancel; that upon his not blotting out the passage of Scripture, he had an action, and that his solicitor

[a] [Adams was one of the churchwardens of S. Mary-at-Tower, Ipswich. See more particulars of this case in Prynne, Cant. Doom, p. 101.]

[b] 'by'

[c] S. Mat. xxi. 13.

[d] 1 Reg. xii. 16.

was committed by J. Jones, till he relinquished his suit.' In all this there is not one word of anything that I did. And for that which Sir Nath. Brent did about placing the communion-table, 'tis answered before[e]. He says also, 'that when he saw that he must prosecute his suit against Commissary Dade in his own name, he left the kingdom.' And surely, my Lords, if he would leave the kingdom, rather than prosecute his cause in his own name, 'tis more than a sign, that his cause was not very good. Die Quinto.

3. The third witness was Mr. Cockshot, one of Mr. Attorney Banks his servants. He says, 'that Adams moved him, and he Mr. Attorney, and that thereupon Mr. Attorney gave his warrant against Dade.' By which your Lps. may see how active Mr. Cockshot was[1] against a church-officer, and in so foul a scandal. He says also, 'that Mr. Dade came to Mr. Attorney, and told him that I did not think it fit a prosecution in such a cause should be followed in Mr. Attorney's name.' First, 'tis true, I did not think it fit; nor did Mr. Attorney himself, when, upon Mr. Bierlye's motion, he fully understood it. Secondly, the cause being so scandalous to a church-officer, I conceive I might so say to Mr. Dade, or any other, without offence. But then thirdly, here's not one word that I sent Mr. Dade to Mr. Attorney about it: he came and used my name[2], so Mr. Cockshot says, but not one word that I sent him. Lastly, he says, 'that Mr. Attorney told him that I blamed him for the business, and that thereupon he chid this witness, and sent him to me, and that I rebuked him for it; but he particularly remembers not what I said.' Nor truly, my Lords, do I remember any of this. But if I did blame Mr. Attorney for lending his name in such a scandalous cause as this, I did (as I conceive) what became me: and if he chid his man, he did what became him: and if I rebuked Mr. Cockshot, when he was sent to me, sure he deserved it; and it seems it was with no great sharpness, that he cannot remember anything of it. "And so I answered Mr. Browne, when he instanced in this."

[1] ['was' in margin.]

[2] ['and used my name,' in margin.]

[e] In the second charge of this day, p. 128 [of original MS. See above, p. 121.]

e into. 4. The last witness was Mr. Pryn, who says, 'no appeal was left him.' But that, under favour, cannot be; for, if my courts refused him (which is more than I know), he might have appealed to the Delegates. He says, 'that he advised Adams to an action of the case; that he blamed Lechford for deserting the suit; and that he advised him to go to Mr. Attorney.' So here's no assistance wanting to Adams, but the church-officer, Mr. Dade, must have none. Yet I blame not Mr. Pryn, because he says he did it as his counsel. He says further, 'that when Adams was put to prefer his bill in his own name, that then the excommunication was pleaded in 26
bar:' but he doth not say it was pleaded by me, or my advice; nor do I hear him say it was unjustly pleaded. And had not Adams been wilful, he might have taken off the excommunication, and then proceeded[1] as it had pleased him.

VII. Then the charge went on against me, about the stop of Mr. Bagshawe, the Reader of the Middle Temple[f]. The witnesses are two lawyers, which accompanied Mr. Bagshawe to Lambeth, Mr. White[g] and Mr. Pepys. They say, that Mr. Bagshawe 'insisted upon these two points: first, that a Parliament might be held without bishops; and secondly, that (132) bishops might not meddle in civil affairs.' My Lords, these things are now settled by an Act of this Parliament[h]; but then they were not. And I conceive, under favour, that Mr. Bagshawe (the craziness of these times considered) might have bestowed his time better upon some other argument: and sure, no man can[2] think, that either myself, or any church-governor, could approve his judgment in that particular. And whereas they say, 'that the Lord Keeper Finch and the Lord Privy Seal[i] told them, that I

[1] ['proceeded' originally written 'proceeded to his']
[2] ['can' in marg.]

[f] [Edward Bagshawe began his readings at the Temple Feb. 24, 16$\frac{38}{48}$, on the statute of 35 Edw. III. cap. 7, in which he insisted on the two points mentioned in the text. He afterwards joined the King's party, and was committed to prison by the rebels. (Wood, Ath. Ox. iii. 619.)]

[g] [John White. He was one of the feoffees for impropriations, and, in 1640, M.P. for Southwark, and Chairman of the Committee for Religion. He was commonly called 'Century' White, from the title of his celebrated book, 'The First Century of Malignant Priests.' (Wood, Ath. Ox. iii. 144, 145.)]

[h] [16 Car. I. cap. xxvii.; repealed by 13 Car. II. cap. ii.]

[i] [Henry Montagu, first Earl of Manchester.]

was the man that complained of it to the King and the Lords,' 'tis most true I did so; and I think I had been much to blame if I had not done it. And if, when they came over to Lambeth about it, they heard me tell Mr. Bagshawe (as they also say they did) 'that he should answer it in the High-Commission Court next term;' I humbly conceive this no great offence; but out of all question no treason, to threaten the High-Commission to a Reader of the Inns of Court. Die Quinto.

The last charge of this day was concerning the Lord Chief Justice Richardson[j], and what he suffered for putting down wakes and other disorderly meetings, in Somersetshire, at the assizes there holden[k]. VIII.

The single witness to this is Edward Richardson, (a kinsman of the judge's, as I suppose.) He says, 'that complaints were made to the [1] judge of wakes and feasts of dedication; that his Majesty writ letters about it to Sir Robert Philips[l], and others: they certify a command comes by the Ld. Keeper to revoke the order next assizes. First; 'tis not done. Then, by command from the Lds. of the Council, the judge upon that second command [2] revokes it; but as 'tis certified, not fitly.' In all this here's not one word that concerns me. Then he says, 'that upon this last certificate, the business was referred to the Lord Marshal and myself, and the judge put from that circuit.' I cannot now remember what report we made: but whate'er it was, the Ld. Marshal[m] agreed to it as well as I. Then a letter of mine was produced of Octob. 4, 1633[n]. But the letter being openly read, nothing was found amiss in it. And, under your Lps'. favour, I am still of opinion, that there is no reason the feasts should be taken away for some abuses in them; and those such as every Justice of Peace is able by law to remedy, if he will do his

[1] ['the' interlined.]
[2] ['upon that second command' in margin.]

[j] [Sir Thomas Richardson.]
[k] [The documents relating to this question of wakes are given at great length in Prynne's Cant. Doom, pp. 128, seq.]
[l] [Sir Robert had been M.P. for the county of Somerset, in three Parliaments; his father, it may be added, was Speaker of King James's first Parliament, and his son M.P. for the county in the Long Parliament.]
[m] [Thomas Howard, Earl of Arundel.]
[n] [To the Bishop of Bath and Wells. It will be found among the Collected Letters in vol. vi.]

Die Quinto.

duty. "Else by this kind of proceeding[1], we may go back to the old cure, and remedy drunkenness by rooting out[2] all the vines; the wine of whose fruit causes it." As for 'the pretences,' which this witness spake of; they were none of mine, as appears evidently by the letter itself.

An Appendix to these, was added a letter of my secretary, 27
Mr. Dell, to Sir John Bridgman, Chief Justice of Chester, in a cause of one Ed. Morris. It was (as I think it appears) upon an encroachment made in the Marches Court upon the Church: in which case I conceive by my place I may write to any judge for information: and there is nothing peremptory in the letter. The words are, 'if things be rightly suggested.' But howsoever, the letter is Dell's; and if he have done amiss in it, he is here present to answer. And it will be a hard business with men of honour, if, when any lord shall command his secretary to write, and give him directions for the matter, he shall afterwards[3] be answerable for every slip of his secretary's pen; especially in so high a way as 'tis charged on me. But the best is, here's nothing amiss, that I know.

[1] ['of proceeding,' in margin. Originally 'of law,']
[2] ['rooting out' originally written 'taking away']
[3] ['afterwards' in marg.]

CAP. XXVII.

THE SIXTH DAY OF MY HEARING.

THE first charge of this day concerned the censure, deprivation and imprisonment of Mr. Huntly. The witnesses produced are four. I. Thursday, Mar 28, 1644. Die Sexto.

1. Mr. Merifield comes on first. He says, 'that himself[1] was committed by the Lords of the Council; and that there I said, that he the said Merifield[2] deserved to be laid by the heels, and to be called into the Star-Chamber.' This man was, as I take it, Mr. Huntly's attorney; and if I did speak those words concerning him, surely his words and carriage deserved it: else I am confident the Lords (133) would not have committed him for a naked and[3] an orderly following of his client's cause; especially in the presence of two judges, Justice Jones[a] and Justice Crook[b]; who he says himself were present. "And this answer I gave Mr. Brown; who in the sum of his charge against me omitted not this case of Mr. Merifield, for so was this attorney's name."

2. The next witness is Mr. Huntly himself. He says, 'that I said unto him, that he being an ecclesiastical person, and in an ecclesiastical cause, ought not to decline the Church-censure: then followed his imprisonment, and his action for false imprisonment, and the rest of his proceedings.' In all which the High-Commission proceeded against him, and he proceeded against the High-Commissioners; nothing done by me, or against me, in particular. So nothing of this charge falls upon me, but the words; and for them, they are very far from offering to exempt[c] any clergyman, him or other, from the temporal laws, in things cognizable by them. But I humbly

[1] ['that himself' originally written 'Mr. Huntley']
[2] ['that he the said Merifield' originally written 'Mr. Huntly']
[3] ['a naked and' interlined.]

[a] [Sir William Jones, one of the Justices of the Common Pleas. (Wood, Ath. Ox. ii. 673.)]
[b] [Sir George Croke, one of the Justices of the King's Bench, the author of the Reports. (Wood, Ath. Ox. iii. 26—29.)]
[c] 'exclude from the benefit

ie Sexto. conceive, his oath of canonical obedience considered, that he ought not to decline the ecclesiastical judicature, in things merely ecclesiastical. And if in this my judgment I do err, yet 27 it is error without crime: and surely, my Lords, no treason.

3. The third witness is John Dillingham. He says, 'that Mr. Huntly moved before the Ld. Chief Justice Richardson, and that the judge replied, By his faith he durst not do him justice.' To this, my Lords, I answer: Here's never a word, that he durst not do him justice for fear of me; that's not said by the witness, and ought not by conjectures be enforced against me. But howsoever, if he spake those words, the more shame for him. He[1] is dead, and I will not rake into his[2] grave; but if he so spake, it seems he was none of those judges, which Jethro advised Moses to make for the ease of himself, and the good of the people[d]. "Mr. Brown, in summing up of his charge, pressed this speech of the judge hard upon me; which enforces me to add thus much more, That this witness lays it hard upon the judge, not upon me: for no proof is offered, that I did solicit him in that cause: and if he wanted courage to do justice, why sat he there[3]?"

4. The fourth witness was Mr. Pit, a sworn officer; he says, 'the order concerning Mr. Huntly was from the Council, and that there was then a full Board.' So this was no single act of mine. He says further, 'that he was not simply prohibited, but only till he had acquainted the Ld. Keeper with it[4], or those judges whose courts it concerned.' And this was so ordered, as I conceive, to remedy the tedious and troublesome interpositions of Mr. Huntly. Where it is not unfit for me to inform your Lps'., that this cause of Mr. Huntly's was in my predccessor Archbp. Abbot his time; I had nothing to do in it, but as any other ordinary Commissioner then present had.

And here, at the entering upon my answers this day, I did in general put the Lords in mind, that nothing of late times was done, either in Star-Chamber or at Council-table, which was not done in King James' and Queen Elizabeth's times,

[1] ['He' originally 'But he'] [2] ['his' interlined.]
[3] ['Mr. Brown, . . . there?' on opp. page.] [4] ['it,' interlined.]

[d] Exod. xviii. 21.

before I was born; and that many Parliaments have been since, and no man accused of misdemeanour for things done there, much less of treason: nor is there any one witness, that hath charged me, that that which I did, was 'to overthrow the laws, or to introduce arbitrary government:' "that's only the construction made on't at the bar; which, as it is without all proof for any such intention, so I am confident they shall answer for it at another bar, and for something else in these proceedings." Die Sexto.

Then followed the charge about prohibitions: in which are many particulars, which I shall take in order, as the several witnesses charge them upon me. II.

1. The first is Mr. Pryn. He says, 'that *an.* 4 *Caroli* he brought a prohibition, and that thereupon I should say, Doth the King give us power, and then are we prohibited? Let us go and complain.' First, if this were *an.* 4 *Caroli*, it was long before the Article; so that I could neither expect the charge, nor provide the answer. Secondly, I humbly conceive, there's no offence in the words. For if a prohibition be unjustly granted upon misinformation or otherwise, or if we do probably conceive it is ill grounded [1], I hope 'tis no sin
'2 to complain of it to the King, the fountain of justice in both courts. 2. Yea; but he says further, 'that I said I would lay him by the heels that brought the next.' And this Mr. Burton witnesses with him. First, if I did say so, they were but a few hasty words: for upon second thoughts it was not done. Next, I desire your Lordships to consider what manner of witness Mr. Burton is; who confesses here before your Lordships, that he brought the next with a purpose to tempt me: you know whose office that is; and so Mr. Burton hath abundantly showed himself, and proclaimed his religion.

(134) 3. As for Mr. Comes [o]; he says just the same with Mr. Pryn, and I give the same answer.

Then about taking down of a pew in a church in London, (my notes are uncertain for the name,) which pew was set above the communion-table; that I required to have it pulled down; that they came to me to have an order for it; and

[1] ['or if . . . grounded,' in marg.]

[o] f. Combs.

Die Sexto. that thereupon I should say, 'You desire an order of court, that you may have it to show, and get a prohibition: but I will break the back of prohibitions, or they shall break mine.' And this is jointly witnessed by, 4. Mr. Pocock, and 5. Mr. Langham: and this they say was thirteen or fourteen years ago. Excellent memories, that can punctually swear words so long after! But, my Lords, I confess to your Lps., I could never like, that seats should be set above the communion-table: if that be any error in me, be it so. For the words, I did not speak them of prohibitions in general, but of such as I did conceive very illegal; as, for aught I yet know, this must have been. "And this was the answer which I gave Mr. Brown, when in summing up the charge he instanced in this against me." 6. To these Rouland Tomson adds new words; 'That I wondered who durst grant a prohibition, the High-Commission Court being above all.' But he confesses, he knows not the time when this was spoken. Let him look to his oath, for I am as confident, he knows not the thing. And I further believe, that neither he nor any the rest of my accusers think me so ignorant as to say, the 'High-Commission Court was above all.'

7. Francis Nicolas says, that 'about four years since he delivered a prohibition, and was committed for it.' 8. To this, Quaterman comes in, and says more than Nicolas himself: for he says, 'he delivered it in upon a stick, and was committed for it.' First, if he were committed, it was not for bringing the prohibition, but for his unmannerly delivery of it; and to reach it into the court upon a stick to call the people to see it, was no handsome way of delivery. And one that brought a prohibition (whether this man or no, I cannot certainly say) threw it with that violent scorn into the court, that it bounded on the table, and hit me on the breast, as I sat in court. Howsoever, his commitment was the act of the court, not mine: and for Quaterman, he is an exasperated man against me and that court; as hath appeared to the world many ways.

9. Mr. Edwards was called up next; and he says, 'it was a common thing to lay them by the heels which brought prohibitions.' And they were commonly brought by bold impudent men, picked out of purpose to affront the court.

3 And then if the court made their imprisonment as common as they their rudeness, where's the fault? And I pray mark, this is still the act of the court, not mine. Die Sexto.

10. Mr. Welden says, that[1] 'there was a command given to lay hold of a man which brought a prohibition:' but more he says not. Nor did he offer to make himself judge of the justice of the court in that behalf. And considering what affronts have been put upon the Court of High-Commission by the bringers of prohibitions, I hope it shall not be accounted a crime to stay him that brings it, till the prohibition be seen, and considered.

11. The next witness is Mr. Ward: "and he is an angry witness, for his cause before-mentioned about simony[f]." That which he says is, 'that *an.* 1638, he that brought a prohibition in a cause of Mr. Foetrought's[2] was laid by the heels:' but he himself confesses, the court then declared, that they were affronted by him: and then he was punished for that misdemeanour in his carriage, not for bringing the prohibition. He says further, 'that I directed some commissioners to attend the judges about it, and that the party had no benefit by his prohibition.' For my directing[3] attendance upon the judges, I think I did what well became me: for there came a rule before the prohibition, which required the court so[4] to do; "and Mr. Pryn objected, because this was not done; and now I am accused, because[5] I gave direction to do it." And if the party had no benefit by his prohibition, it must needs follow, that either the judges were satisfied by our information of the cause; or, if not, that they did Mr. Foetrought the wrong, and not we.

12. The last witness about prohibitions was Mr. Wheeler. He says, that in a sermon of mine long since, I used these words: 'They which grant prohibitions to the disturbance of the Church's right, God will prohibit their entrance into the kingdom of heaven:' and he says, (135) 'he writ down the

[1] [Originally written, 'that a man which brought a prohibition was']
[2] ['in a cause of Mr. Foetroughts,' in marg.]
[3] ['directing' originally written 'sending']
[4] ['the court so' originally written 'me so']
[5] [The words 'I am accused' here inaccurately repeated.]

[f] [See above, p. 128.]

Die Sexto. words, that he might remember them.' If this gentleman will tell me what text I then preached on, I will look upon my sermon (if that with my other papers be not taken from me) and show the place. In the meantime, with that limitation with which he confesses I spake them, I conceive there is no fault at all in the words. For it will be found no small fault in judges to grant prohibitions to the disturbance of the rights of the Church, which no law of God or man warrants them to do. So the words I spake must needs be understood of illegal prohibitions. For they which are legal, do only stop the Church from doing wrong, but do no wrong to the Church by disturbing her rights. "Mr. Browne charged this sermon note upon me also, and I gave him this answer. Nevertheless, I cannot but be sorry to hear it from Mr. Wheeler's own mouth[1], that he was so careful to write this passage, and so ready to come to witness it against me; considering how many years I have known him, and how freely he hath often come to my table, and been welcome to me; yet never told me this passage in my sermon troubled him. It seems some malignity or other laid it up against this wet day."

Here, having thus answered all particulars, I humbly craved leave of their Lordships, to inform them some few things concerning prohibitions. 1. As first, that there was a great contestation about them, between my predecessor, 2
Archbp. Bancroft, and the then judges, and this before King James and the Lords of the Council; and Mr. Attorney Hobart[6] pleaded for the Church against them. Sir Henry Martin gave me copies of all those papers on both sides. No final end made, that I could ever hear of. This calling them all in question was far more than ever was done by me, or in my time; and yet no accusation at all, much less any of treason[2], put up against Archbishop Bancroft for this. 2. Secondly, I have here papers attested of all the prohibitions which have been admitted in my Courts of Arches and

[1] ['So the words . . . mouth,' on opposite page. The passage originally stood, 'to do. But I am sorry to hear from his own mouth, that' &c.]
['much less any of treason,' in margin.]

[6] [Sir Henry Hobart, afterwards Lord Chief Justice of the Common Pleas; the ancestor of the Earls of Buckinghamshire.]

Audience: and I find there are as many (if not[1] more) admitted in my seven years' time, as in any seven years of my predecessor, Archbishop Abbot. And these papers I delivered into the court[h]. As for the High-Commission, the records are all taken from us; else I make no doubt, but it would soon appear by them, that as many have been admitted there also[2]. 3. Thirdly, there is a great difference touching prohibitions, and the sending of them, since the times of Reformation, and before. For before, the Bishops' Courts were kept under a foreign power, and there were then weighty reasons for prohibitions, both in regard of the King's power, and the subjects' indemnity. But since the Reformation, all power exercised in the spiritual courts is from the King, as well as the temporal; so that now there neither is, nor can be, so much cause as formerly was. And yet, all that I did humbly and earnestly desire was, that some known bounds might be set to each court, that the subject might not, to his great trouble and expense, be hurried, as now he was, from one court to another. And here I desired a salvo, till I might bring Archbishop Parker's book[i], to show his judgment in this point, in the beginning of the Reformation, if it shall be thought needful: "according to whose judgment (and he proves it at large) there is open wrong done to the ecclesiastical jurisdiction by prohibitions[3]." Die Sexto.

The next charge is about my undue taking of gifts: a charge which, I confess, I did not think to meet here. And I must and do humbly desire your Lps. to remember, that till this day I have not been accused, in the least for doing anything corruptly: and if I would have had anything to do in the base dirty business of bribery, I needed not have been in such want as now I am. But my innocency is far more to my comfort, than any wealth so gotten could have been. For I cannot forget that of Job, that 'fire shall consume the III.

[1] ['if not' interlined; originally 'or']
[2] ['As for . . . also.' on opposite page.]
[3] ['in the beginning . . . prohibitions' inserted afterwards; from the word 'Reformation' on opposite page; the words, 'if it shall be thought needful were originally written after the word 'point,' and then erased.]

[h] Sir Timothy Baldwin hath these papers.—W. S. A. C.

[i] Ma. Parkeri Antiqu. Britan. in vita Joh. Stafford. pp. 326, 327, [p. 431. Lond. 1729.]

ie Sexto. tabernacles of bribery[k].' "And in the Roman story, when P. Rutilius, a man *summa innocentia*, of greatest integrity, was accused, condemned, and banished; 'tis observed by the story, that he suffered all this, not for bribery, of which he was not guilty, but *ob invidiam*, for envy[l]; against which, when it rages, no innocency, no worth of any man is able to stand."

1. But to come to the particulars; the first is the case of Sir Edward Gresham's son, unhappily married against his father's will; a suit in the High-Commission about it; and that 'there he had[1] but fifty pounds damages given him.' That was no fault of mine; my vote gave him more, but it was carried against me. The bond of two hundred pounds, which was taken according to course in the court[m]; was 27 demanded of me by Sir Edward, to help himself that way; and 'tis confessed I granted it: but[2] then 'tis charged, 'that in my reference to Sir John Lambe, to deliver him the bond, I required him to demand one-half of the forfeiture of the[3] bond, toward the repair of St. Paul's. 'Tis true, I did so. But first, I desire it may be considered, that it was wholly in my power, whether I would have delivered him the bond or not. Secondly, that upon this gross abuse, I might have sued the bond in my own name, and bestowed the money upon what charitable uses I had thought fit. Thirdly, that I did nothing herein, but what the letters patent for repair of S. Paul's give me power (136) to do. Fourthly, that this is the third time S. Paul's is urged against me: which I am not sorry for, because I desire, since 'tis once moved, it may be sifted to the uttermost. And whereas, to make all ecclesiastical proceedings the more odious, it was urged, 'that the rubric in the Common-Prayer Book mentions no licence, but asking of banns;' that rubric is to be understood, where no licence is granted[n]: for else no licence at all for marriage without banns-asking can be good; which is against the common both law and practice of the kingdom.

[1] ['had' interlined.] [2] ['but' originally written 'but that']
[3] ['forfeiture of the' in margin.]

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[k] Job xv. 34.
[l] Calvis. Chro. p. 251. [Francof. ad Oder. 1620. The words, 'ob invidiam,' do not occur.]
[m] Can. Ecc. Ang. 101.
[n] Can. 62. Ecc. Ang.

2. The second particular was charged by one Mr. Stone, Die Sexto.
of London[o], who said, 'he sent into Lambeth two butts[1] of sack, in a cause of some Chester-men, whom it was then in my power to relieve, and mitigate their fine set upon them in the High-Commission at York[2], about Mr. Pryn's entertainment, as he passed that way; and that this sack was sent in before my composition with him, what should be mitigated, and so before my return of the fine mitigated into the exchequer.' The business, my Lords, was thus. His Majesty having taken[3] the repair of the west end of S. Paul's to himself, granted me to that end all the fines in the High-Commission Court, both here and at York, and left the power of mitigation in me. The Chester-men which this witness speaks of, were deeply sentenced at York, for some misdemeanours about Mr. Pryn, then lately sentenced in the Star-Chamber. One or more of them were debtors[4] to this Mr. Stone, to the value of near three thousand pounds, as he said. These men, for fear of the sentence, kept themselves close, and gave Mr. Stone to know, how it was with them; and that if he could not get me to moderate the fine[5], they would away, and save themselves: for they had now heard the power was in me. Upon this, Mr. Stone, to save his own debt of three thousand pounds, sends his son-in-law, Mr. Wheat, and Dr. Baillie, men that were bred in the College of S. John, under me, and had ever since good interest in me, to desire my favour[6]. I at first thought this a pretence, and was willing to preserve to S. Paul's as much as fairly I might: but at last, upon their earnest pleading, that the men were not rich, and that Mr. Stone was like, without any fault of his, to[7] be so much damnified; I mitigated their fines, which were in all above a thousand pounds, to two hundred. I had great thanks of all hands; and was told from the Chester-men, that they heartily wished I had had the hearing of their

[1] ['butts' originally written 'pipes']
[2] ['in the ... York,' in marg.]
[3] ['taken' originally written 'undertaken']
[4] ['debtors' originally written 'creditors']
[5] ['fine' interlined.]
[6] ['to desire my favour.' in margin.]
[7] ['to' originally written 'was like to']

[o] [This story of Mr. Stone has been related before. See vol. iii. pp. 402—404; the notes on which passage may be consulted.]

Die Sexto. cause from the beginning. While Mr. Wheat and his brother Dr. Baillie, were soliciting me for favour to Mr. Stone, he thinks upon sending sack into my house, and comes to my steward about it. My steward acquaints me with it. I gave him absolute command not to receive it, nor anything from any man that had business before me: so he refuses to admit of any. Mr. Stone presses him again, and tells him he had[1] no relation to the Chester-men's cause; but would give it for the great favour I had always showed to his son-in-law: but still I commanded my steward to receive none. When Mr. Stone saw he could not fasten it, he watches a time when my steward was out of town, and myself at Court, and brings in his sack, and tells the yeoman of my wine-cellar he had leave to lay it in. My steward comes home; finds the sack in the cellar; tells me of it: I commanded it should be taken out, and carried back. Then Mr. Stone comes[2]; entreats he may not be so disgraced; protests as before, that he did it[3] merely for my great favour to his son-in-law; and that he had no relation to the Chester-men's business: and so after he protested to myself, meeting me in a morning, as I was going over to the Star-Chamber. Yet afterwards this religious professor (for so he carries himself) goes home, and puts the price of the sack upon the Chester-men's account. Hereupon they complain to the House of Commons, and Stone is their witness.

This is the truth of this business, as I shall answer it to God. "And whether this do not look like a thing plotted by the faction so much embittered against me, let understanding men judge." Mr. Wheat, his son-in-law, was present in court, and there avowed that he transacted[4] the business with me, and that he went not out of town, till I had agreed to the mitigation; that in all that time there was no tender of sack or anything else unto me; and he, and Dr. Baillie[5], (137) the only men with whom I transacted the whole business. "And so much could Dr. Baillie also witness, but that, as the times are, I could not bring him from Oxford."

[1] ['he had' originally written 'it had']
[2] ['comes;' originally 'comes to me;']
[3] that he did it' in margin.]
[4] ['transacted' originally written 'performed']
[5] ['and Dr. Bailie,' on opp. page. Originally written, 'he was the']

With Mr. Stone himself I never treated. For my steward, Die Sexto.
he is dead three years since, who could have been my witness clean thorough the business. And when I pressed Mr. Stone at the bar with the protestation which he made to me, that he had no relation herein to the Chester-men, he, that remembered every circumstance else, said he remembered not that. Then I offered to take my voluntary oath of the truth of it; but that was not admitted. Then it was pressed, 'that this bribe must needs be before the agreement, for he says, the sack was sent in to my house[1], ... and the mitigation of the fine into the exchequer not till . . . . . .' But that is nothing: for my agreement was passed, and I meddled no more with it. Yea, but he says, 'that Mr. Holford, my servant[p], had forty pound more than I agreed upon, before he would finish their business.' Mr. Holford was the King's officer for those returns into the exchequer: and if, after my agreement made, he either unduly delayed their business, or corruptly took any money from them, he is living, and must answer for his own fault: me it cannot concern, who did not so much as know of it.

"Mr. Wheat having thus testified in open Parliament, before the Lords, was within a day or two called before the Committee; there reexamined in private, and very strictly, touching the time of my agreement made; then (not without some harshness) commanded not to depart the town, till he heard further from them. This himself afterwards told me. Hereupon I resolved to call him again for further evidence, and if I saw cause, to acquaint the Lords with this usage. And I did call upon it divers times after; but one delay or other was found, and I could never obtain it. And such a kind of calling my witnesses to a private after-reckoning[2] is that which was never offered any man in Parliament. And here Mr. Brown, in summing up my charge, did me a great deal of right: for neither to the Lords, nor in the House of Commons, did he vouchsafe so much as to name this false, base, and unworthy charge, of which my greatest enemies are ready to acquit me[3]."

[1] ['to my house,' in margin.]
[2] ['a private after-reckoning' in margin. Originally 'account']
[3] ['And here . . . acquit me.' added afterwards.]

[p] [Benjamin Holford was bequeathed 20*l.* in the Archbishop's will.]

Die Sexto. 3. The third particular was charged by one Mr. Delbridge; who says, 'he was oppressed at the Council-table by the Ld. Keeper Finch: that he was advised by Mr. Watkins, to give my secretary Mr. Dell money, to get my hand to a petition to the Ld. Keeper, who, he said, would not oppose me: that Dell took of him one hundred and fifty pounds, and procured my hand to his petition.' I remember nothing of this business, and it lies wholly upon my secretary; who being my solicitor, is here present in court, and desires he may answer the scandal. There's no touch at all upon me, but that (he says) my secretary got my hand to his petition to the Lord Keeper. This petition of his was either just, or unjust. If just, I committed no fault in setting my hand to it: if unjust, he must confess himself a dishonest man, to offer to get my hand, to help to bolster out his injustice: and yet if the injustice of it were varnished over with fair pretences, and so kept from my knowledge; the crime is still his own, and nothing mine, but an error at most. As for Mr. Watkins, he did me much wrong, if he sent any man to my house on such an errand.

"Here my Secretary had leave to speak; denied the whole business; and produced Mr. Hollys, with whom it was said the hundred and fifty pounds before named should be deposited; who (to my remembrance) said, he knew of no such thing."

4. The fourth instance was, 'a bond for the payment of money as a fine: the bond found in Sir Jo. Lamb's chamber, with a note upon the back of it, for one hundred pound received, and Sir John by my direction was to call for the rest.' And here it was said, that I used the name of St. Paul's in an illegal way to get money; which might well have been spared. For (as is aforesaid) I had a Broad Seal, which gave me all fines in the High-Commission Court, to the repairing of the[1] west end of St. Paul's, and with power to mitigate. And the fines are the King's, and he may give them by law. The Broad Seal (138) is in the hands of Mr. Holford, who is thereby appointed receiver of all such fines: but is upon record to be seen; and if it be doubted, I humbly desire a salvo till the record can be taken out, and showed. But I

[1] ['repairing of the' in margin.]

presume these gentlemen have seen it: and commutations for such crimes as Sir James Price's was, are according to law, and the ancient custom and practice in this kingdom; especially, where men of quality are the offenders. And the power of commuting is as legal in that court as any other: and if that be doubted, I humbly desire my counsel may argue it. Die Sexto.

78

5. The fifth instance was a charge concerning a lease in Lancashire held in three lives by Sir Ralph Aston[q]. 'Tis said by his son Mr. Aston (the only witness in the cause), that 'I, by power at Chester and York, and the High-Commission here[1], being landlord in right of my archbishopric, did violently wrest this lease of the rectory of Whally, in Lancashire[r], out of his hands against law, and made him take[2] a lease for years, and pay a great fine besides, and other fines besides toward the repair of St. Paul's, and raised the rent sixty pound[3].' Truly, my Lords, I am not any whit solicitous to answer this charge. I challenged this lease as void, and had great reason so to do, both for the invalidity of the lease itself, and the unworthiness of the tenant, both to me and my See. If in the preparations for trial at law, the judge at Chester (altogether unknown to me, and unlaboured by me) did say (as Mr. Aston says he did), that 'for higher powers above he durst not;' he was the more unworthy. And for York, I needed no power there; for I resolved to have him called into the High-Commission here; which was after done.

This gentleman his son came to me about the lease: I told him plainly, it was void in law, and that I meant to overthrow it; that if his father would surrender, I would renew it for years at a reasonable rate; but if he put me to expense in law, I would secure myself, as well as legally I might.

[1] ['and the High-Commission here,' in margin.]
[2] ['him take' originally 'him pay']
[3] ['and raised . . . pound.' in margin.]

[q] [The name is written 'Aston' in the MS.; but the person referred to is Sir Ralph Assheton, of Lever, created a Baronet June 28, 1620.]

[r] [The rectories of Whalley, Blackburn, and Rochdale, formerly belonging to the monastery of Whalley, came into the possession of the See of Canterbury, Aug. 31. 1547. See Strype's Cranmer, pp. 403, 910.]

e Sexto. He replied, that 'Mr. Solicitor Littleton [s]' (for so then he was) 'said, he durst not be against me.' And there was good reason for it; he was my counsel, and feed in that particular. And what a poor evasion was this! Were there no other lawyers for him, because Mr. Solicitor was for me? The truth is, all that ever I did in this business, was not only with the knowledge, but by the advice of my counsel, which were Mr. Solicitor Littleton and Mr. Herbert [t].

At last this gentleman submitted himself and the cause; and if, as he says, 'Dr. Eden [u] persuaded him to it,' that's nothing to me. As for the fine, I referred the moderation of it wholly to my counsel. They pitched upon sixteen hundred pounds, and gave such days of payment, as that a good part is yet unpaid: and this sum was little above one year's rent: for the parsonage is known to be well worth thirteen hundred pound a year, if not more. And after the business was settled, my Lord Wimbleton [v] came to me, and gave me great thanks for preserving this gentleman, being, as he said, his kinsman, whom he confessed it was in my power to ruin.

For 'the raising of the rent sixty pounds;' it was to add means to the several curates to the chapels of ease: and I had no reason to suffer Sir Ralph Aston to go away with so much profit, and leave the curates both upon my conscience and my purse. And for his fine to St. Paul's, I gave him all the ease I could. But since his son will force it from me; he was accused of adultery with divers women, and confessed all: and whither that fine went, and by what authority, I have already showed. And thus much more, my Lords, at Mr. Bridgman's [w] entreaty, I turned this lease into lives again without fine [1]: but since I have this reward 27

[1] ['without fine:' in margin.]

[s] [Afterwards Lord Littleton, and Keeper of the Great Seal, in the room of Lord Finch.]

[t] [Afterwards Sir Edward Herbert, Solicitor and Attorney General, and Lord Keeper.]

[u] [Dr. Thomas Eden, Master of Trinity Hall, Cambridge, Chancellor of Ely, Professor of Law in Gresham College.]

[v] [Edward Cecil, created Viscount Wimbledon July 25, 1626. He had distinguished himself in the war in the Netherlands.]

[w] [Orlando Bridgman, son of Dr. John Bridgman, Bishop of Chester. He appears to have been the Archbishop's legal adviser, and to have held his courts. (See Archbishop Laud's Berkshire Benefactions, pp. 28, 49.) At the Restoration he was made Sergeant-at-Law; afterwards successively Lord Chief Baron of the Exchequer, Lord Chief Justice of the Common Pleas; and Lord Keeper on the removal of Lord Clarendon.]

for it, I wish with all my heart I had not done it. For I am confident, in such a case of right, your Lordships would have left me to the law, and more I would not have asked. And I think this (though entreated into it) was my greatest error in the business. Die Sexto.

(139) 6. The last instance was about the conversion of some money to St. Paul's, out of administrations[x]: 'by name, two thousand pounds taken out of Wimark's estate, and five hundred out of Mr. Greye's.' First, whatsoever was done in this kind, I have the Broad-Seal to warrant it. And for Mr. Wimark's estate, all was done according to law, and all care taken for his kindred. And if I had not stirred in the business, four men, all strangers to his kindred, would have made themselves by a broken will executors, and swept all away from the kindred. Secondly, for Mr. Gray's estate, after as odious an expression of it as could be made, and as void of truth as need to be, the proceedings were confessed to be orderly and legal, and the charge deserted.

Then there was a fling at Sir Charles Cæsar's getting of 'the Mastership of the Rolls[y] for money, and that I was his means for it:' and so it was thence[1] inferred, that I sold places of judicature, or helped to sell them. For this they produced a paper under my hand. But when they had thrown all the dirt they could upon me, they say they did only show what probabilities they had for it, and what reason they had to lay it in the end of the fourth original Article; and so deserted it. And well they might: for I never had more hand in this business, than that when he came to me about it[2], I told him plainly, as things then stood, that[3] place was not like to go without more money than I thought any wise man would give for it: nor doth the paper mentioned say any more, but that I informed the Lord Treasurer what had passed between us.

[1] ['it was thence' in margin.] [2] ['it,' originally 'the business,'] [3] ['that' originally 'I told him that']

[x] [In the Commission for the repair of S. Paul's, power was given to apply the goods of intestate persons to this purpose. See Rymer, Fœd. VIII. iii. 175.]

[y] [Sir Charles Cæsar was appointed Master of the Rolls, March 30, 1639. (Rymer, Fœd. IX. ii. 248.)]

CAP. XXVIII.

280

Die Septimo. April 1, 1644.

THIS day ended, I was ordered to appear again, April 4, 1644. And received a note from the Committee, under Sergeant Wild's hand, dated April 1, that they meant to procced next upon the fifth and sixth original Articles, and upon the ninth additional; which follow *in hæc verba.*

The fifth original:—*He hath traitorously caused a Book of Canons to be composed and published, and those Canons to be put in execution, without any lawful warrant and authority in that behalf; in which pretended Canons many matters are contained contrary to the King's prerogative, to the fundamental laws and statutes of this*[1] *realm, to the right of Parliament, to the propriety and liberty of the subjects, and matters tending to sedition, and of dangerous consequence, and to the establishment of a vast, unlawful, and presumptuous power, in himself and his successors: many of the which Canons, by the practice of the said Archbishop, were surreptitiously passed in the late Convocation, without due consideration and debate; others, by fear and compulsion, were subscribed unto by the prelates and clerks there assembled, which had never been voted and passed in the Convocation, as they ought to have been. And the said Archbishop hath contrived and endeavoured to assure and confirm the unlawful and exorbitant power, which he hath usurped and exercised over his Majesty's subjects, by a wicked and ungodly oath in one of the said pretended Canons enjoined to be taken by all the clergy and many of the laity of this kingdom.*

The sixth original:—

He hath traitorously assumed to himself a papal and tyrannical power, both in ecclesiastical and temporal matters,

[1] ['this' in margin. Originally 'the']

over his Majesty's subjects in this realm of England, and in other places, to the disherison of the Crown, dishonour of his Majesty, and derogation of his supreme authority in ecclesiastical matters. And the said Archbishop claims the King's ecclesiastical jurisdiction, as incident to his episcopal and (140) *archiepiscopal office in this kingdom, and doth deny the same to be derived from the Crown of England, which he hath accordingly exercised, to the high contempt of his Royal Majesty, and to the destruction of divers of the King's liege people, in their persons and estates.* Die Septimo.

The ninth additional Article:—

That in or about the month of May, 1641 [a], *presently after the dissolution of the last Parliament, the said Archbishop, for the ends and purposes aforesaid, caused a Synod or Convocation of the Clergy to be held for the several provinces of Canterbury and York; wherein were made and established, by his means and procurement, divers Canons and Constitutions ecclesiastical, contrary to the laws of this realm, the rights and privileges of Parliament, and liberty and property of the subject; tending also to sedition, and of dangerous consequence. And, amongst other things, the said Archbishop caused a most dangerous and illegal oath to be therein made and contrived; the tenor whereof followeth in these words: 'That I, A. B., do swear, that I do approve the doctrine and discipline or government established in the Church of England, as containing all things necessary to salvation: and that I will not endeavour, by myself or any other, directly or indirectly, to bring in any Popish doctrine, contrary to that which is so established: nor will I ever give my consent to alter the government of this Church by archbishops, bishops, deans, and archdeacons, &c., as it stands now established, and as by right it ought to stand; nor yet ever to subject it to the usurpations and superstitions of the See of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same*

[a] '1640,' Rush.

Die Septimo.

words, without any equivocation or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly, and truly, upon the faith of a Christian: So help me God in Jesus Christ.' Which oath the said Archbishop himself did take, and caused divers other ministers of the Church to take the same, upon pain of suspension and deprivation of their livings, and other severe penalties; and did also cause Godfrey, then Bishop of Gloucester, to be committed to prison for refusing to subscribe to the said Canons, and to take the said oath; and afterward the said Bishop submitting himself to take the said oath, he was set at liberty.

April 4, 1644. On Thursday, April 4, I was again brought to the House, made a sufficient scorn and gazing-stock to the people; and after I had waited some hours, was sent back, by reason of other business, unheard: but ordered to appear again Mon-

April 8. day, April 8. Then I appeared again, and was used by the basest of the people as before. I did not appear any day but it cost me six or seven pound: I grew into want. This made my counsel, and other friends, to persuade me, the next time I had admittance to speak, to move the Lords again for some necessary allowance; notwithstanding my former petition had been rejected. This advice I meant to have followed that day: but after some hours' attendance, I was sent back again unheard, and ordered to come again on Thursday,

April 11. April 11. This day I did not come to the House; a warrant being sent to the Tower, which stayed me till Tuesday, April 16.

2 CAP. XXIX.

THE SEVENTH DAY OF MY HEARING.

THEN I appeared, and (as I remember) here Mr. Maynard left [off,] (save that now and then he interposed, both in the reply and otherwise,) and Mr. Nicolas, a man of another temper, undertook the managing of the evidence. And the first charge was concerning the late Canons, 'which he said were against law to sit[a], the (141) Parliament being dissolved.' No, my Lords, nothing against law that I know. For we were called to sit in Convocation, by a different writ from that which called us 'as bishops to the Parliament.' And we could not rise, till his Majesty sent us another writ to discharge us; and this is well known to the judges, and the other lawyers here present[1]: so we continued sitting, though the Parliament rose. Nor was this sitting continued by any advice or desire of mine. For I humbly desired a writ to dissolve us: but the best counsel then present, both of judges, and other lawyers, assured the King we might legally sit. And here is a copy attested under their hands[b]. Die Septimo. April 16. I.

Then he urged out of my Diary, at May 29, 1640, that I acknowledged 'there were seventeen canons made, which I did hope would be useful to the Church[c].' 'Tis true, my Lords, I did hope so. And had I not hoped it, I would never have passed my consent unto them. And when I writ this, there was nothing done or said against them. And if, by any inadvertency or human frailty, anything erroneous or unfit have slipped into those Canons, I humbly beseech your Lps. to remember, it is an article of the Church of England,

[1] ['and this . . . present:' in margin.]

[a] lege, 'For the making of which he said it was against law for the Convocation to sit.'

[b] Vide supra, post init. [vol. iii. p. 286.]

[c] [Vol. iii. p. 236.]

Die Septimo.

'that General Councils may err[d],' and therefore this national Synod may mistake. And that since (if any error be) it is not wilful; it may be rectified, and in charity passed by.

For the 'Bishop of Gloucester's refusing to subscribe the Canons, and take the oath;' which is here said by the counsel, but no proof offered: the truth is this. He first pretended (to avoid his subscription) that we could not sit, the Parliament risen. He was satisfied in this by the judges' hands. Then he pretended the oath. But that which stuck in his stomach, was 'the Canon about suppressing of the growth of Popery[e].' For, coming over to me to Lambeth about that business, he told me he would be torn with wild horses before he would subscribe that canon. I gave him the best advice I could; but his carriage was such, when he came into the Convocation, that I was forced to charge him openly with it, and he as freely acknowledged it: as there is plentiful proof of bishops and other divines then present. And 'for his Lp's. being after put to take the oath,' (which was also urged,) it was thus. I took myself bound to acquaint his Majesty with this proceeding of my Ld. of Gloucester's, and did so. But all that was after done about his commitment first, and his release after, when he had taken the oath, was done openly at a full Council-table, and his Majesty present, and can no way be charged upon me, as 28
my act. For it was my duty to let his Majesty know it, to prevent further danger then also discovered. But I am here to defend myself, not to accuse any man else.

Next he urged, 'that I had interlined the original copy of the Canons with my own hand.' But this is clearly a mistake, if not a wilful one. For perusing the place, I find the interlining is not in my hand, but my hand is to it; as (I humbly conceive) it was fit it should. And the words are in the Ratification of the Canons[1], and therefore were necessarily to be in the original, howsoever slipped in the writing of them.

As for the oath so bitterly spoken of at the Bar, and in the

[1] ['Canons,' originally 'Articles.']

[d] Art. 21. [e] Can. 3.

Articles; either it was made according to law, or else we were wholly misled by precedent, and that such as was never excepted against. For in the Canons made in King James his time, there was an oath made against simony [f], and an oath for churchwardens [g], "and an oath about licences for marriages [h], and an oath for judges in ecclesiastical courts [i]: and some of these oaths as dangerous as this is accounted to be. And all these established by no other authority than these late were." And yet neither those Canons nor those oaths were ever declared illegal by any ensuing Parliament, nor the makers of them accused of any crime, much less of treason. So that we had in this Synod unblamed precedent for what we did, as touching our power of doing it. Die Septimo.

(142) But, after all this, he said he would pass these things by, (that is, when he had made them as odious as he could,) and would charge nothing upon me but the 'votes of both Houses,' namely, 'That these Canons contain matters contrary to the King's prerogative, to the fundamental laws of the realm, to the rights of Parliaments, to the propriety and liberty of the subject, and matters tending to sedition, and of dangerous consequence.' So these votes of the honourable Houses made so long after, (and therefore cannot well be an evidence against the making of that which was done so long before,) is the task lying now upon me to answer; which, with your Lps'. honourable favour, I shall in all humbleness address myself unto.

Before these words were well out of my mouth, Mr. Nicolas with much earnestness interposed; 'That he hoped their Lps. would not endure that 'the solemn votes of both Houses should be called into question by any delinquent, and was sure the House of Commons would not endure it.' Upon this the Lords presently gave their resolution, that I might not speak to anything that was declared by votes; but was to answer only to the fact, whether I made the Canons or no [1]. To this, with leave humbly asked, I replied, That if I might not answer to the votes, I must yield the evidence;

[1] ['declared by . . . or no.' in margin. Originally 'voted.']

[f] Can. 40.
[g] Can. 118.
[h] Can. 103.
[i] Can. 127.

Die Septimo.

which I could not do: and that if I might answer, I must dispute the votes, which their Lps. resolved I should not do: that then I was in a perplexity, and must necessarily offend either way. And therefore humbly besought them, to consider not my case only, but their own too. For I did conceive it would concern them in honour, as much as me in safety: that no charge might be brought against me in that great Court, to which I should not be suffered to make 281
answer: or else that they in honour would not judge me for that, to which my answer is not suffered to be given. With this, that all these Canons were made in open and full Convocation, and are acts of that body, and cannot be ascribed to me, though president of that Synod, but are the joint acts of the whole body: so 'by me' they were not made; which is my answer.

"And according to this I framed my answer to Mr. Brown's summary of my charge, both touching the Canons in general, and concerning the instance before given about the Bishop of Gloucester[1].

"But though I was not allowed there to make any further answer in defence of these Canons; nor can hold it fit to insert here so long an answer as these votes require; I humbly desire the courteous reader, if he please, to look upon the answer which I have made to a speech of Mr. Nathaniel Fynes[k], in the House of Commons, against these Canons. In which answer, I humbly conceive, I have satisfied whatsoever these votes contain against them. Howsoever, I cannot but observe this in present. The words in the sixth original Article are as they are above cited: 'That the late Canons contain matters contrary to the King's prerogative, the laws,' &c. But in the ninth additional, all the rest of the exceptions are in against them, but these words about 'the King's prerogative' are quite left out[l]. I would fain know, if I could, what is the reason of this omission in these added Articles. Is it for shame, because there was a purpose to charge me, (as Sergeant Wild did in his speech the

[1] ['And according . . . Gloucester.' on opposite page.]

[k] Made December 14, 1640, and extant in Rushworth, par. iii. vol. i. p. 105.

[l] Et Art. ii. additionalia.

first day,) that I laboured 'to advance the King's prerogative above the law?' To advance it, and yet made contrary Canons against it; which is the way to destroy it? What pretty nonsense is this? Or is it because the framers of these additionals, (whom I conceive were some Committee, with the help of Mr. Pryn,) thought the time was come, or coming, in which the King should have no more prerogative? Or if there be a third reason; let them give it themselves." Die Septimo.

This was all concerning the Canons. Then followed the sixth original Article about 'my assuming of papal power;' "where Mr. Brown, in summing up of his charge, was pleased to say, 'that no Pope claimed so much as I had done.' But he was herein much mistaken. For never any Pope claimed so little. For he that claimed least, claimed it in his own right, which was none; whereas I claimed nothing but in the King's right, and by virtue of his concession. Between which there is a vast latitude[1]." The first proof upon this Article, was read out of certain letters sent unto me by the University of Oxford, I being then their Chancellor. Which great titles were urged to prove my 'assuming of papal power, because I did not check them in my answers to those letters.' (1.) The first title was *Sanctitas tua*[m], which Mr. Nicolas said, was 'the Pope's own title.' But he is deceived. For the title was commonly given to other bishops also[2], clean through the primitive Church, both Greek and Latin. "He replied in great heat, (as his manner it seems is,) that ''tis blasphemy to give that title (*Sanctitas*) in the abstract, to any (143) but God.' And though by the course of the Court I might not answer then to the reply, yet now I may. And must tell Mr. Nicolas, that 'tis a great presumption for him, a lawyer, and no studied divine, to charge blasphemy upon all the Fathers of the primitive Church. 'Tis given to St. Augustine by Hilarius and Evodius[3n], and in the abstract.

[1] ['where Mr. Brown, . . . latitude.' on opposite page.]
[2] ['other bishops also,' in margin. Originally written 'bishops,']
[3] ['Hilarius and Evodius,' in margin.]

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[m] [See the Letter of the University, May 28, 1635. Hist. of Chancellorship, Works, vol. v. p. 114.]

[n] ["Sanctitatis tuæ gratia, quæ omnibus nota est, parvitati meæ persuasit."—Hilarius ad August.] apud [S.] Aug. Epist. lxxxviii. [(clvi. Ben.) Op., tom. ii. col. 810. A. "Pridem

Die Septimo.

And (which is the charge laid to me) St. Augustine never checks at, or finds fault with the title, nor with them for writing it. And St. Augustine himself gives that title to Evodius[o], answering his letters, which I was not to do to theirs. And after that to Quintianus[p]. Neither is anything more common than this style among the Fathers; as all learned men know. And 'tis commonly given by S. Gregory the Great[q], to divers bishops: who, being Pope himself, would not certainly have given away his own title (had it been peculiar to him) to any other bishop. Nor would any of the Fathers have given this epithet to their brethren, had any savour of blasphemy been about it[r]." But there is a two-fold holiness, the one original, absolute, and essential; and that is in God only, and incommunicable to any creature: the other derivative and relative; and that is found in the creatures, both things and persons: or else God should have no saints, no holy ones. For no man can be said to be *sanctus*, 'holy,' but he who in some degree hath *sanctitatem*, 'holiness,' residing in him. And this I answered at the present. "But, according to Mr. Nicolas his divinity, we shall learn in time to deny the immortality of the soul. For immortality in the abstract is applied to God only. 1 Tim. vi. 'Who only hath immortality[s].' Therefore, if it may not in an under and a qualified sense, by participation, be applied to the creature, the soul of man cannot be immortal."

(2.) The second title is, *Spiritu Sancto effusissime plenus*[t].

[1] ['himself gives . . . Quintianus.' on opposite page. Originally, 'himself gives that title to Evodius, and after that to Quintianus.']

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quæstiones misi ad sanctitatem tuam."—Evodius ad August. Epist.] xcviii. [clxiii. Ben. ibid. col. 856. C.]

[o] ["Si ea quæ me magis occupant . . . Sanctitas tua nosse tanti habet." —S.] Aug. Ep. cii. [(clix. Ben.) Op., tom. ii. col. 901. C.]

[p] ["Portant sane secum reliquias beatissimi et gloriosissimi martyris Stephani, quas non ignorat Sanctitas vestra." — S.] Aug. Ep. ciii. [(ccxii. Ben.) ibid. col. 1195. B.]

[q] Greg. Eulogio Episcopo Alexandrino. Apud H. Spelman. in Concil. p. 80. [Lond. 1639.] Et Episc. Arelatensi. ibid. 75.

[r] The managers against the Archbishop in another place pretend, that this title was never given to any English bishop at least. But herein they are much mistaken. For it was often given to them. To produce but one instance: Pope Leo III. gave this title to Ethelard, Archbishop of Canterbury, and that in a letter wrote to Kenulphus, King of Mercia.—Angl. Sacr. par. i. p. 460. [Lond. 1691.]—H. W.

[s] 1 Tim. vi. 16.

[t] [See the Letter of the University, May 28, 1635. Hist. of Chancellorship, Works, vol. v. p. 113.]

My Lds., I had sent them many hundred manuscripts, and in many languages; upon this, in allusion to the gift of tongues, (and it was about Pentecost, too, that I sent them,) the luxuriant pen of the University orator ran upon these phrases, which I could neither foresee, before they were written, nor remedy after. And finding fault could not remedy that which was past. Besides, all these letters were in answer to mine: I was to answer none of theirs. That might have made me work enough, had I wanted any. Die Septimo.

(3.) The third style is *Summus Pontifex.* But this was in my L. of London's letters, and he must answer, if anything be amiss. But *Pontifex*, and *Summus* too, is no unusual style to and of the chief prelate in any nation.

(4.) The fourth style is *Archangelus, et ne quid nimis*[u]. Yes, sure, the meanest of these titles is *multum nimis*, far too much, applied to my person and unworthiness: yet a great sign it is, that I deserved very well of that University, in the place I then bare; or else they would never have bestowed such titles upon me. And if they did offend, in giving such an unworthy man such high language, why are not they called in question for their own fault?

(5.) The last which I remember is, *Quo rectior non stat regula, &c.*[v] And this is no more than an absolute hyperbole; a high one, I confess, yet as high are found in all rhetorical authors: and what should make that blasphemy in an University orator which is everywhere common, and not only allowed, but commendable, I know not. "Especially since the rule of the interpretation of them is as well known as the figure. Where the words are not to be understood in their proper and literal sense, but as St. Aug. speaks, when that which is spoken *longe est amplius*, is far larger than that which is signified by it[x]." And if I had assumed any of these titles to myself, which I am, and ever was, far from doing; yet 'tis one thing to assume papal title; and another to assume papal power, which is the thing charged; though I thank

[u] [See the Letter of the University, of July 9, 1636, ibid. p. 140.]

[v] [See the Letter of the University, Nov. 10, 1640, ibid. p. 295.]

[x] ["Ea locutione dictum est, quam Græci vocant hyperbolen; quæ utique tropica est, non propria.... Iste autem tropus, id est modus locutionis, fit, quando id quod dicitur longe est amplius, quam quod eo dicto significatur."] S. Aug. [lib.] xvi. [de] Civ. Dei, cap. xxi. [Op., tom. vii. col. 690. C.]

Die Septimo.

God I did neither. "If I have here omitted any title, it is mere forgetfulness; for one part or other of the answers given will reach it, whate'er it be. And as I told Mr. Browne, when he charged this on me, Dr. Strowd, the University orator [y], who writ those letters, and gave those titles, was called up before a Committee of this Parliament, examined about them, acquitted, and dismissed [1]."

(6.) These titles from the letters being past, he quoted another, which he called a blasphemous speech too, out of 'my book against Fisher; where,' he said, 'I approved of Anselme, an enemy to the Crown; and took on me to be Patriarch of this other world [z].' Let any man look into that place of my book: and he shall find that I made use of that passage only to prove that the Pope [2] could not be appealed unto out of England, according to their own doctrine: which I hope is no blasphemy. And for St. Anselme, (144) howsoever he was swayed with the corruptions of his time, yet was he in other things worthy the testimony which the authors by me cited give him. "And if any man be angry that 'the Archbishop of Canterbury is called the Patriarch of this other world,' he may be pleased to remember, that St. Jerom gives St. Augustine, who was Bishop of Hippo, and no Archbishop, a greater title than that. For he writes, *Beatissimo Papæ Augustino*, more than once and again, as appears in his epistles to St. Augustine [3 a]."

(7.) To these Sir Nathaniel Brent's testimony is produced: who says, that he overheard me say to another, 'that I would not so easily quit the plenitude of my power; or to that effect.' He confesses he was coming in, and finding me speaking with another, made stay, and stood afar off, 'and knows not of what I spake,' (for so he said) but overheard the words. I beseech your Lps., observe this witness. He confesses he knows not of what I spake, and yet comes here upon

[1] ['If I have . . . dismissed.' on opposite page.]
[2] ['that the Pope' in marg.]
[3] ['of Canterbury . . . St. Augustine.' on opposite page.]

[y] [William Strode, Canon of Ch. Ch. (Wood, Ath. Ox. iii. 151.)]
[z] Cont. Fisher, § 25, p. 171. [p. 190, Oxf. 1849.]
[a] S. Hieron. apud [S.] Aug. Epist. xi. [(lxxv. Ben.) Op., tom. ii. col. 251. B.], xiii. [(lxviii. Ben.) ibid. col. 233. D.), xiv. [(lxxii. Ben.) ibid. col. 241. B.], xvii. [(xxxix. Ben.) ibid. col. 124. A.], xviii. [(lxxxi. Ben.) ibid. col. 283. A.]

his oath, to testify of plenitude of power in relation to my assuming papal power. If he mean not this, his testimony is nothing; for plenitude of power may extend to many other things; and I might justly say, (if I said it,) 'that I would not easily part with the plenitude of my power,' in relation to other bishops of my province, who by law have not so full power as I have. But if he did mean this, then his testimony is worse than nothing. Nothing, in regard he confesses he knows not of what I was speaking. And worse than nothing, that, not knowing, he would give such a testimony upon oath. "[As for the statutes themselves, there was scarce one urged against me; but it was either a statute, or a prescription of that University, long before I was born into the world; and could not therefore be of my new-making. And this was my answer to Mr. Browne in the House of Commons. And such bannition, discommoning, and the like, are well known to be[1b].]" Die Septimo.

The next charge of this day was, that 'I went about to exempt the clergy from the civil magistrate.' II.

1. The first witness is Mr. Pincen; he says, he heard me say at the High-Commission, 'That the clergy were now debased; that heretofore it was otherwise, and I hope to see it so again.' Truly, my Lords, if I did say thus, which is more than I can call to memory, I spake truth; they were debased; and I did hope to see it otherwise. For the debasing of the clergy will make their office and their doctrine base, as well as their persons. But here is not a word of freeing them from laws or the temporal magistrate. It was replied, he did mention the 'civil magistrate.' "If he did, he mentions no time, by which I might be enabled to make counterproof. He is single. They are words, and if within the statute, then triable by it within six months. And I desire this grave gentleman to consider his oath: for if I spake of any such exemption, I must speak against my conscience and judgment, which I humbly thank God I use not

[1] ['As for .... to be.' on opposite page. 'P. 157' is written against this passage, in Archbishop Laud's hand. See below, p. 189.]

[b] These six lines are inserted out of place, and belong clearly to his defence of making new statutes for the University, which followeth afterwards.—W. S. A. C.

Die Septimo. to do. Nor is it altogether impossible for the civil magistrate sometimes to oppress poor clergymen. But a little will be thought too much of this. And therefore to Mr. Browne's summary charge I gave the former answer, that I spake of exemption from oppression, not from law [1]."

2. The second witness was Alderman Railton, about the carrying up of the sword in the church, when he was Ld. Mayor. He says, I once sent him word about it, but knows not by whom [2], and after heard no more of it, but refers himself to Mr. Marsh. He says, 'there was an order of the Council-table, May 3, 1633, concerning the submitting of the sword in time and place of divine service.' If an order of Council, then was it no act of mine, as I have often pleaded, and must as often as it comes. He says further, that I spake these words, or to this effect; 'That the Church had been low for these hundred years; but I hoped it would flourish again in another hundred.' But here's no one word of exemption from civil magistracy. And I hope your Lps. will take witnesses as they speak, not as men shall infer, and descant upon them. "And then, my Lords, under favour, I see no harm in the words." Only I shall recal my hope: for if I had then any hope to see it flourish in another hundred years, 'tis that which I cannot hope for now. He says, 'there was a reference to the Council on both sides, and that under that reference the business died.' And if it died then, what makes it here before the resurrection? Yea, but says Mr. Nicolas, 'here's agitation about the submitting of the sword, which is the emblem of temporal power.' But neither to foreign 2
nor home power, but only to God; and that in the place, and at the performance of His holy worship. At which time and place Christian [3] kings submit themselves, and therefore cannot stand upon the emblems of their power. Nor would the Lords of the Council have made either order or reference, had there been anything of danger, or against law, in this kind of submitting. Mr. Yorke was produced as another witness; but said just the same with Marsh; and so the same answer served him.

III. Then followed a charge about the Charter of York to be

[1] ['Nor is it . . . law.' on opposite page.]
[2] ['but knows not by whom,' in margin.]
[3] ['Christian' in margin.]

renewed; and that I did labour to have the Archbishop of York his Chancellor, and some of the residentiaries, named in it [1] to be justices of peace within the city. To (145) prove this, Alderman Hoyle [c] is produced: who says, 'there was an order of the Council about this, but cannot say that I procured it,' (so far, then, this proof reaches not me,) 'for the bishop his chancellor, and some of the residentiaries, to be justices of peace within the city.' If I were of this opinion, (as then advised,) I am sure there's no treason in it, and I believe no crime. And under your Lps.' favour, I could not but think it would have made much peace, and done much good, in all the cities of England where cathedrals are. Lastly, he says, 'there was a debauched man committed about breach of the Sabbath, and being casually smothered, I should say, they deserved to be hanged that killed him.' Concerning this man; he lost his life, that's confessed. His debauchery, what it was, is not proved. And were he never so disorderly, I am sure he was not, without legal trial, to be shut up into a house and smothered. That is against both law and conscience. And the officers then in being had reason to smother the business as much as they could. And, it may be, deserved somewhat; if not that which this alderman says I said, 'to his best remembrance.' For so, and with no more certainty, he expressed it. This I am sure I said, that if the bishop, or any of the Church had been then in their charter, the poor man's life had not been lost. Die Septimo.

The fourth charge was just of the same nature, concerning the charge of Shrewsbury. For this there were produced two witnesses, Mr. Lee and Mr. Mackworth: but they make up but one between them. For Mr. Lee could say nothing [2], but what he acknowledges he heard from Mr. Mackworth. And Mr. Mackworth says first, that 'the schoolmaster's business was referred to other lords and myself.' That's no crime; and to my knowledge, that has been a troublesome business for these thirty years. He says, 'I caused that there should go a *Quo warranto* against the town.' This is but as Mr. Owen informed him, so no proof. Beside, 'tis no crime, being a referee, if I gave legal reason for it. Nor is IV.

[1] ['named in it' in margin.] [2] ['could say nothing,' in margin.]

[c] [M. P. for the city of York.]

Die Septimo. it any crime, 'that the bishop and his chancellor should be justices within the town;' as is aforesaid in the case of York: considering especially, that then many clergymen bare that office in divers counties of England. He adds, 'that an old alderman gave fifty pound to St. Paul's. But out of what consideration I know not, nor doth he speak: and if every alderman in the town would have given me as much to that use, I would have taken it, and thanked them for it. Then 28 he says, 'there was an order from all the lords referees, for settling all things about their charter.' So, by his own confession, the whole business was transacted publicly, and by persons of great honour; and nothing charged upon my particular. 'If Mr. Owen sent me in a butt of sack, and after put it upon the town account,' (for so he also says,) 'Mr. Owen did ill in both; but I knew of neither. And this the counsel in their reply said they urged not in that kind. Lastly, the charter itself was read to both points, 'of the bishop's and his chancellor's [1] being justices of peace within the town, and the not bearing up of the sword.' To both which I have answered already. And I hope your Lps. cannot think his Majesty would have passed such a charter: or that his learned counsel durst have put it to him, had this thing been such a crime as 'tis here made.

V. The next charge was out of my Diary, at March 5, 1635. The words are, 'William Juxon, Ld. Bp. of London, made Ld. High Treasurer of England. No Churchman had it since H. VII. time. I pray God bless him to carry it so, that the Church may have honour, and the King and the State service and contentment by it. And now if the Church will not hold up themselves under God, I can do no more [d].' I can see no treason in this, nor crime neither. And though that which I did to help on this business was very little; yet aim I had none in it, but the service of the King, and the good of the Church. And I am most confident it would have been both, had not such troublesome times followed, as did.

VI. Then they instanced in the case of Mr. Newcomen. But that cause being handled before [e], they did only refer the Lords to their notes: and so did I to my former answers.

[1] ['and his chancellor's' in margin.]

[d] [Vol. iii. p. 226.]

[e] [See above, p. 118.]

Then followed the case of Thorn and Middleton; which were fined in the High-Commission about some clergymen's business; Thorne being (146) constable: the witnesses in this case are three. Die Septimo. VII.

1. The first is Huntsford (if I took his name right[f]): and for the censure of these men, he confesses, it was in and by the High-Commission; and so no act of mine (as I have often pleaded): but then he says, that I there spake these words, 'That no man of their rank should meddle with men in Holy Orders.' First, he is in this part of the charge single, and neither of the other witnesses comes in to him. Secondly, I humbly desire the proceedings of the High-Commission may be seen (which are taken out of our hands). For so far as I can remember anything of this cause, the minister, Mr. Lewis, had hard measure. And perhaps thereupon I might say, 'That men of their rank should not in such sort meddle with men in Holy Orders.' But to tax the proceedings of a violent busy constable, was not to exempt the clergy from civil magistracy.

Upon this he falls just upon the same words, and says, 'that I uttered them about their offering to turn out a corrector from the printing-house.' This corrector was a minister, and a well deserving man. The trust of the press was referred to the High-Commission Court[1]. And I hope your Lps. will not think, that not to suffer the printers to turn out a deserving man at their pleasure, is 'to exempt the clergy from the civil magistrate.' The business, my Lords, was this. This corrector was principally entertained for the Latin and Greek press especially, which I had then, not without great pains and some cost, erected. They were desirous to keep only one for the English, and him at the cheapest. Among them their negligence was such, as that there were found above a thousand faults in two editions of the Bible and Common-Prayer Book. And one which caused this search was that in Exod. xx., where they had shamefully printed[2], 'Thou shalt commit adultery.' For this the masters

[1] ['the High-Commission Court.' in margin, correcting some words which are crossed out, and which appear to be, 'me, and my Lord of London.']

[2] ['where they had shamefully printed,' in marg. Orig. 'They had printed,']

[Joseph Hunscot, the Printer, mentioned above, p. 79. See also below, p. 185.]

Die Septimo. of the printing-house were called into the High-Commission, and censured, as they well deserved it. As for this corrector whom they would have heaved out, they never did so much as complain of him to any that had power over the press, till this fell upon themselves for so gross an abuse. Nor did they after this proceed against him, to make him appear faulty; and till that were done, we could not punish. And for this business of the press, he is single too. And I have told your Lps. that which is a known truth. "And Hunsford, being bit in his credit and purse, and friends, by that censure, for so gross an abuse of the Church and religion, labours to fasten his fangs upon me in this way."

2. The second witness is Mr. Bland. But all that he says is, that 'there was once a dismission of this cause out of the court, and that though I disliked it[1], yet I gave way to it, because all parties were agreed.' And no word of proof, that I was any cause of bringing it back into the court again. What's my fault in this?

3. The third witness was Thorn in his own cause: and tis plain, by his own words, that this cause was depending in court before my time. And I believe, were the records of the court here, Mr. Lewis would not be found so great an offender as Mr. Thorn would make him. This I am sure of, both the High-Commission and myself have been quick enough against all ministers which have been proved to be debauched in their life and conversation. And he says nothing against me, but 'that I sided with his adversaries;' which is easy to say against any judge that delivers his sentence against any man. But neither of these come home to Hunsford.

VIII. The next charge is in the case of one Mr. Tomkins, about the taxing of a minister in a case of robbery, and repayment by the country[2].

To this Mr. Newdigate is produced; who says, as he remembers, that I should speak these words, 'That ministers were free from such taxes, and I hoped to see the times in which they might be free again.' First, this gentleman is single. Secondly[3], he speaks not positively, but 'as he

[1] ['and that though I disliked it,' in margin.]
[2] ['by the country.' in margin.]
[3] ['Secondly,' in margin.]

remembers.' Thirdly, this tax I do humbly con(147)ceive Die Septimo.
is not by law to be laid upon any minister. For no man is subject to this tax, but they which are to keep watch and ward; which ministers in that kind are not bound unto. And this I learned of the Ld. Keep. Coventry[g] at the Council-table. So I might well then hope to see ministers free from all such taxes, by the right understanding and due execution of our own laws, without assuming any papal power.

The last instance of this day was the bringing Sir Rich. IX.
Samuel[h] into the High-Commission, for doing his office as justice of the peace upon some clergymen. First, for this, this gentleman is single, and in his own case. Secondly, himself confesses, that 'his bringing into the High-Commission was long after the fact.' Therefore in all probability not for that: nor doth he say that I caused his bringing in. He says further, 'that one article for which he was called into the Commission, was, that he was an enemy to the clergy.' But he doth not say, that I preferred these articles against him; nor doth he tell, or can I remember, what the other articles were, which with this may be bad enough to merit what was there laid against him: and whatsoever was done, appears by his own narration to be the act of the High-Commission, or the Council-table, and so not chargeable upon me alone. And whereas he says, 'I blamed him' much at the Council-table: let him tell why, and then I'll give him a further answer: and sure if I did blame him, I had just cause so to do. Lastly, he says, 'I did use the word *base* to him when he came to me.' Sure I cannot believe I did: it was not my language to meaner men. If it did slip from me, it was in relation to his enmity to the clergy, not to his person or quality. "And I conceive 'tis no gentle part, for a man of place and power in his country, to oppress poor clergymen which neighbour about him. In which kind this gentleman *pessime audiebat*, heard extremely ill."

[g] [Thomas Coventry, appointed Lord Keeper, Nov. 1, 1625; Baron Coventry, April 10, 1628. See his character in Clarendon, Hist. Rebell. vol. i. p. 80.]

[h] [This was probably Sir Rich. Samwell, of Upton and Gayton, in the county of Northampton.]

CAP. XXX. 29

THIS day thus ended, I was ordered to appear again on
April 22. Monday, April 22. I came, and my former answers having taken off the edge of many men, (for so I was told by good hands,) the scorns put upon me at my landing and elsewhere were somewhat abated, though when it was at best I suffered enough. After I had attended the pleasure of the House some hours, I was remitted without hearing, and commanded
April 25. to attend again upon Thursday, April 25. But sent back
April 30. again then also, and ordered to appear on Tuesday, April 30. And when I came, I was sent away once more unheard: no consideration had of myself, or the great charge which this frequent coming put me to. I was then ordered to appear again on Saturday, May 4. Then I was heard again; and the day proceeded as follows.

MY EIGHTH DAY OF HEARING.

Die Octavo. Maii 4, 1644. Saturday.

To raise up envy against me, Mr. Nicolas falls first to repeating the titles which were given me in letters from Oxford; to which I gave answer the day before. From thence he fell again upon the former charge, 'My endeavour to exempt the clergy from the civil power.' And very loud he was, and full of sour language upon me. To this general I answered with another more true; that I never did attempt to bring the temporal power under the clergy, nor to free the clergy from being under it: but I do freely confess, I did labour all I could to preserve poor clergymen from some laymen's oppression, which lay heavy on them. And *de vi laica* hath been an old, and a great, and too just a complaint. And this I took to be my duty, doing it without wrong to any man; as sincerely I did to the best of my knowledge. And[1] assuring myself, that God did not raise me to that place of eminency to sit still, see His service neglected, and His ministers discountenanced; nay, sometimes little better than trampled on. "And my standing thus to the clergy,

[1] ['doing it . . . And' in margin.]

and their just grievances, is not the least cause of my present condition. In which my case (though not my abilities) is somewhat like Cicero's. For having now for many years defended the public state of the Church, and the private of many (148) churchmen; as he had done many citizens; when he by prevailing factions came into danger himself, *ejus salutem defendit nemo* [a], no man took care to defend him that had defended so many; which yet I speak not to impute anything to men of my own calling, who, I presume, would have lent me their just defence, to their power; had not the same storm which drove against my life, driven them into corners to preserve themselves." Die Octavo.

3 The first instance was in Mr. Shervil's case [b]; in which Mr. John Steevens tells what I said to the counsel pleading in the Star-Chamber, which was, that they should take care 'not to cause the laws of the Church and the kingdom to clash one against another.' I see, my Lords, nothing that I spake was let fall, nor can I remember every speech that passed from me; he may be happy that can. But if I did speak these words, I know no crime in them: it was a good *caveat* to the counsel, for aught I know. For surely the laws of Church and State in England would agree well enough together, if some did not set them at odds. And if I did further say to the then Ld. Keeper, (as 'tis charged,) 'that some clergymen had sat as high as he, and might again;' which I do not believe I said; yet if I did, 'tis a known truth: for the Ld. Coventry, then Ld. Keeper, did immediately succeed the Ld. Bp. of Lincoln in that office. But though I dare say I said not thus to the Ld. Keeper, whose moderation gave me no cause to be so round with him, yet to the counsel at bar, I remember well, upon just occasion given, that I spake to this effect; That they would forbear too much depressing of the clergy, either in their reputation or maintenance; in regard it was not impossible that their profession, now as high as ours once was, may fall to be as low as ours now is; "if the professors set themselves I.

[a] [Vell.] Paterc. lib. ii. Hist. [cap. 66.]

[b] [This was the case of Henry Sherfield, for breaking the painted window in S. Edmund's Church, Salisbury. See State Trials, vol. i. pp. 374—396. Lond. 1730. The words which the Archbishop admitted that he used, will be found in his speech, *juxta fin.* See Works, vol. vi.]

8vo. against the Church, as some of late are known to have done: and that the sinking of the Church would be found the ready way to it[1]."

II. The second instance was about calling some justices of the peace into the High-Commission, about a sessions kept at Tewksbury.

1. The first witness for this (for three were produced) was Mr. John Steevens. He says, 'that the aisle where the sessions were kept was joined to the church.' If it were not now a part of the church, yet doubtless, being within the churchyard, it was consecrated ground. He says, 'that sessions were kept there heretofore.' And I say, the more often the worse. He says, 'that I procured the calling of them into the High-Commission.' But he proves no one of these things, but by the report of Sir Rob. Cook, of Gloucestershire, a party in this cause. He says again, that 'they had the Bp.'s licence to keep sessions there.' But the proof of this also is no more than that Sir Rob. Cook told him so: so all this hitherto is hearsay. Then he says, 'the 88. Canon of the Church of England was urged in the Commission Court, which seems to give leave in the close of the canon, that temporal courts or leets may be kept in church or churchyard[c].' First, that clause in the end of the canon is referred to the ringing of bells, not to the profanations mentioned in the former part of that canon. Nor is it probable the minister and churchwardens should have power to give such leave, when no canon gives such power to the bishop himself. And were it so, here's no proof offered, that the minister and churchwardens did give leave: and suppose some temporal courts might upon urgent occasion be kept in the church with leave, yet that is no warrant for sessions, where there may be trial for blood. He says further, 'that the civilians quoted an old canon of the Pope's, and that that prevailed against the canon of our Church, and sentence given against them.' All those canons which the civilians urged are law in England[d], where nothing is contrary to the 29

[1] ['and that . . . it.' on opposite page.]

[c] Can. 88, Eccl. Ang.

[d] 25 Hen. VIII. c. 19, § ult. [This clause provides that all canons shall be in force which are not contrary to the laws of the realm.]

law of God, or the law of the land, or the King's prerogative royal[1]: and to keep off profanation from churches is none of these. Besides, were all this true which is urged, the act was the High-Commission's, not mine. Nor is there anything in it that looks toward treason. Die Octavo.

2. The second witness is Mr. Edward Steevens. He confesses that the sentence was given by the High-Commission, and that I had but my single (149) vote in it. And for the place itself, he says, 'the place where the sessions were kept was separated from the aisle of the church by a wall breast-high;' which is an evident proof that it was formerly a part of that church, and continued yet under the same roof.

3. The third witness is Mr. Talboyes (who, it seems, will not be out of anything which may seem to hurt me[e]). He says, 'the parish held it no part of the church.' Why are not some of them examined, but this man's report from them admitted? 'They thought no harm,' he says, 'and got a licence.' But why did they get a licence, if their own conscience did not prompt them that something was irregular in that business? He says, 'he was informed the sessions had been twice kept there before.' And I say, under your Lps.' favour, the oftener the worse. But why is not his informer produced, that there might be proof, and not hearsay? Upon this, I said, (so he concludes,) 'that I would make a precedent against keeping it any more.' If I did say so, the cause deserved it; men in this age growing so bold with churches, as if profanation of them were no fault at all.

III. The third instance concerned Sir Tho. Dacres, a justice of peace in Middlesex, and his warrant for punishing some disorderly drinking. The witnesses the two churchwardens, Colliar and Wilson; two plain men, but of great memories: for this business was when I was Bishop of London; and yet they agree in every circumstance, in every word, though so many years since. Well, what say they? It seems Dr. Duck[f], then my chancellor, 'had cited these churchwardens into my court.' Therefore either there was, or at least to his judgment there seemed to be, somewhat done in that business against the jurisdiction of the Church. They say then, 'that

[1] ['or the King's prerogative royal:' on opposite page.]

[e] [See above, pp. 77, 100.] [f] [Dr. Arthur Duck, mentioned vol. iii. p. 450.]

Die Octavo. the court ended, Dr. Duck brought them to me.' And what then? Here is a cause, by their own confession, depending in the ecclesiastical court; Dr. Duck in the King's quarters, where I cannot fetch him to testify; no means left me to know what the proceedings were; and I have good cause to think, that were all the merits of the cause open before your Lps., you would say, Sir Tho. Dacres did not all according to law. But what is the heart of this charge? It is, say they, 'that I commanded Dr. Duck to prosecute them.' And what fault was in this? For if it were just, why should not Dr. Duck go on with his prosecution? If Dr. Duck and I were both mistaken in the particular, 'twas easy getting a prohibition. Yea, but they say I said, 'If this must be so, Sir Thom. Dacres shall be Bishop of London, and I'll be Sir Tho. Dacres.' For aught I see in the weight of it, this whole charge was but to bring in this speech. And truly, my Lds., my old decayed memory is not such, as that I can recal a speech, thirteen or fourteen years since. But if I did say it, I presume 'tis not high treason for a Bishop of London to 29
say so much of Sir Tho. Dacres. "Mr. Browne, in the summing up the charge against me, laid the weight of the charge in this, 'that these churchwardens were prosecuted for executing the warrant of a justice of peace upon an ale-house keeper, for tippling on the Sabbath-day, contrary to the statutes Jacobi 7 and Caro. 3.' To which I answered, That those statutes did concern the ale-house keepers only; nor were the churchwardens called in question for that; but because, being church-officers, and a churchman tippling there, they did not complain of that to the chancellor of the diocese. Mr. Browne replied, 'there was no clergyman there.' I am glad I was so mistaken. But that excuseth not the churchwardens, who, being church-officers, should have been as ready to inform the bishop, as to obey the justice of peace[1]."

IV. The fourth instance was about marriages in the Tower, which I opposed against law. The witness Sir William Balfore, then Lieutenant of the Tower. He says, that 'I did oppose those marriages.' And so say I. But I did it for the subject of England's sake. For many of their sons and

[1] ['Mr. Browne, . . . peace.' on opposite page.]

daughters were there undone. Nor banns, nor licence, nor any means of foreknowledge to prevent it. Was this ill? Die Octavo. He says, 'that when he spake with me about it, I desired him to speak with his Majesty about it, because it was the King's house.' What could I do with more moderation? He confesses he did so, and that he moved the King 'that the cause might be heard at the Council-table, not at the High-Commission:' to this his Majesty inclined, and I opposed nothing; so the general abuse might be rectified. Then he says, Mr. Attorney Noye 'said at the Council-table, it was the King's free-chapel, and that no Pope in those times offered to inhibit there.' First, if Mr. Attorney did so say, he must have (150) leave to speak freely in the King's cause. Secondly, (as I humbly conceive,) the chapel for ordinary use of prisoners and inhabitants of the Tower, where these disorderly marriages are made, is not that which is called the King's free-chapel; but another in the side of the White Tower by the King's lodgings. Thirdly, if it be, yet I have herein not offended, for I did all that was done by the King's leave, not by any assumption of papal power. Then he tells the Lords, 'that in a discourse of mine with him at Greenwich, about this business, I let fall an oath.' I am sorry for it, if I did. But that's no treason. "And I know whom the deponent thinks to please by this interposition. For to the matter it belongs not." In conclusion, he says truly, 'that the King committed the business to some lords and judges, that so an end might be put to it: and in the meantime ordered, that, till it were ended, there should be no more marriages in the Tower.' How this business ended, I know not. It began, I am sure, by authority of his Majesty's grant of the High-Commission, to question and punish all such abuses, *tam in locis exemptis, quam non exemptis*[s]. And his Majesty having graciously taken this care for the indemnity of the subject, I troubled myself no more with it: my aim being not to cut off any privileges of that place, but only to prevent the abuses of that lawless custom. "And if *cui bono* be a considerable circumstance, as it uses to be in all such businesses, then it may be thought on too, that this
96 gentleman, the lieutenant, had a considerable share for his

[s] [See Rymer, Fœdera, VIII. iv. 39.]

)le)etavo. part out of the fee for every marriage. Which I believe was as dear to him as the privilege."

V. The next instance is broke out of the Tower, and got as far as Oxford. The witness Alderman Nixon. He says, 'the mayor and the watch set by him were disturbed by the Proctors of the University, and a constable imprisoned[h].' The night-walk, and the keeping of the watch, is the ancient, known, and constant privilege of the University[1], for some hundred of years; and so the watch set by the town (purposely to pick a quarrel) was not according to law. He adds, 'that when the Right Honourable the E. of Barkshire[1] would have referred the business to the King's counsel learned, I refused, and said I would maintain it by my own power, as Chancellor.' If I did say this (which I neither remember nor believe), I might better refuse lawyers, (not the law, but lawyers,) than they a sworn judge of their own nomination, which they did.

The case was briefly this. There were some five or six particulars which had, for divers years, bred much trouble and disagreement between the University and the city; of which (to my best remembrance) this about the night-watch, and another about felons' goods, were two of the chief. The University complained to me. I was so far from going any by-way, that I was resolved upon a trial at Westminster-Hall, thinking (as I after found) that nothing but a legal trial would set those two bodies at quiet. The townsmen liked not this. Came some of the chief of them to London: prevailed with their honourable steward, my Ld. the E. of Barkshire[2], to come to me to Lambeth, and by his Lp. offered to have all ended without so great charge at law, by reference to any of the judges. I said I had no mind to wrong the town, or put them to charge, but thought they would fly off from all awards, and therefore stuck to have a legal trial. After this, some of the chief aldermen came to me with my lord, and offered me, that if the University would do the like, they would go down and bring it up under the mayor

[1] ['of the University,' in margin.]
[2] ['my Ld. the E. of Barkshire,' in margin.]

[h] [See an account of this dispute in Wood's Annals, pp. 421, 422. It is also referred to by the Archbishop in Hist. of Chancellorship, Works, vol. v. pp. 274—280.]

[1] [Thomas Howard, created Earl of Berkshire, Feb. 6. 162⅘.]

and aldermen's hands, that they would stand to such end as Judge Jones, who rode that circuit, should upon hearing make. They did so: and brought the paper so subscribed (and therefore I think Alderman Nixon's hand is to it as well as the rest [k]). Upon this I gave way; the University accepted; the judge heard and settled. And now when they saw my troubles threatening me, they brake all, whistled up their recorder[1] to come and complain at the Council-table, his Majesty (151) present [m]. And I remember well, I told his Lp. (then making the aforesaid motion to refer to the King's learned counsel), that his Lp. well knew what had passed, and that being so used as I had been by the townsmen, I would trouble myself with no more references to lawyers, or to that effect. And I appeal to the honour of my lord, whether this be not a true relation. Die Octavo.

The sixth instance concerns [1] the putting of one Mr. Grant out of his right. He says, (but he is single and in his own cause,) 'that Mr. Bridges was presented to an impropriation, and that suing for tithe, he (the said Grant) got a prohibition, and Mr. Bridges a reference to the then Ld. Keeper Coventry and myself; that we referred them to the 7 law, and that there Grant was nonsuited, and so outed of his right.' First, in all this there's nothing said to be done by me alone. Secondly, the Ld. Keeper, who well understood the law, thought it fittest to refer them to the law; and so we did. If he were there nonsuited first, and outed after, it was the law that put him out, not we. "Yet your Lps. see here was a prohibition granted in a case which the law itself after rejected." VI.

Then follows the instance, that I had a purpose to abolish all impropriations. 1. The first proof alleged, was a passage out of Bishop Mountague's book, p. 210 [n], that 'tithes were due VII.

[1] [The passage was originally written, 'the putting of one Mr. Bridges out of his vicarage. 'Tis said by Mr. Grant, the single witness in this cause, and, as I remember, patron, that Mr. Bridges as vicar sued for tithes.' Where the name 'Bridges' is printed, the name 'Grant' was erased and 'Bridges' written above. The words 'and . . . patron' are in margin.]

[k] [See Articles of agreement between the Univ. and City of Oxford, Hist. of Chancellorship, Works, vol. v. pp. 123, 124. Nixon's name is not signed to them.]

[1] [Mr. Whistler.]

[m] [See the order in Council, Hist. of Chancellorship, Works, vol. v. pp. 283, 284.]

[n] [Diatribe upon the First Part of the late History of Tithes. By Richard Mountagu. Lond. 1621.]

Die Octavo.

by Divine right, and then no impropriations might stand[1].' And Mr. Pryn witnessed very carefully: 'That this book was found in my own study, and given me by Bp. Mountague.' And what of this? Doth any bishop print a book, and not give the archbishop one of them? Or must I answer for every proposition that is in every book that is in my study? or that any author gives me? And if Bishop Mountague be of opinion that tithes are due by divine right, what is that to me? Your Lps. know, many men are of different opinions in that difficulty, and I am confident you will not determine the controversy by an Act of Parliament. They were nibbling at my Diary in this, to show 'that it was one of my projects to fetch in impropriations;' but it was not fit for their purpose: for 'tis expressed, 'that if I lived to see the repair of St. Paul's near an end, I would move his Majesty for the like grant for the buying in of impropriations[o].' And to buy them from the owners, is neither against law, nor against anything else that is good; nor is it any usurpation of papal power.

2. The second proof, was my procuring from the King such impropriations in Ireland, as were in the King's power, to the Church of Ireland. "Which Mr. Nicolas (in his gentle language) calls robbing of the Crown." My Lords, the case was this:—The Ld. Primate of Armagh[p] writ unto me, how ill conditioned the state of that Church was for want of means, and besought me that I would move his Majesty to give the impropriations there, which yet remained in the Crown, for the maintenance and encouragement of able ministers to live among the people, and instruct them: assuring me, they were daily one by one begged away by private men, to the great prejudice both of Crown and Church. And the truth of this, the Ld. Primate is now in this kingdom, and will witness. I acquainted the King's great officers, the Ld. Treasurer[q] and the Chancellor of the Exchequer[r], with it. And after long deliberation, the King was pleased, at my humble suit, to grant them in the way

[1] ['might stand.' in margin.]

[o] Diary, in fine, nu. 21. [22. Vol. iii. p. 255.]

[p] [See Abp. Ussher's letter, numbered clxxii. in Parr's Collection, and by him erroneously placed in 1632. It is restored by Dr. Elrington to its proper place in Dec. 1633.]

[q] [Richard Weston, first Baron Weston, afterwards Earl of Portland.]

[r] [Sir F. (afterwards Lord) Cottington.]

which I proposed. Which was, that when they came into the Clergy's hands, they should pay all the rents respectively to the King; and some consideration for the several renewings. And the truth of this appears in the deeds[s]. So here was no robbing of the Crown. For the King had all his set rents reserved to a penny, and consideration for his casualties beside. And, my Lords, the increase of Popery is complained of in Ireland. Is there a better way to hinder this growth, than to place an able Clergy among the inhabitants? (152) Can an able Clergy be had without means? Is any 98 means fitter than impropriations restored? My Lords, I did this, as holding it the best means to keep down Popery, and to advance the Protestant religion. And I wish with all my heart, I had been able to do it sooner, before so many impropriations were gotten from the Crown into private hands[t]. Die Octavo.

Next I was charged with another project in my Diary[u], which was to settle some fixed *commendams* upon all the smaller bishoprics. For this, I said their own means were too small to live and keep any hospitality, little exceeding four or five hundred pound a year. I considered that the *commendams* taken at large and far distant, caused a great dislike and murmur among many men. That they were in some cases *materia odiosa*, and justly complained of. And hereupon I thought it a good Church-work, to settle some temporal lease, or some benefice *sine cura*, upon the lesser bishoprics; but nothing but such as was in their own right and patronage: that so no other man's patronage might receive prejudice by the bishop's *commendam:* which was not the least rock of offence, against which *commendams* endangered themselves. And that this was my intent and endeavour, is expressed in my Diary: and I cannot be sorry for it. VIII.

Then I was accused for setting old popish canons above the laws. Mr. Burton is the sole witness. He says, 'it was in a case about a pew, in which those canons did weigh down an Act of Parliament.' "I did never think till now IX.

[s] [The King's order to the Lords Justices of Ireland, respecting these impropriations, is given by Collier (Eccl. Hist. vol. ii. p. 749), from the original in the Paper Office.]

[t] [As, *e. g.* by Sir John Bathe, whose case is mentioned in Laud's letter to Ussher, July 5, 1630.]

[u] Diary, in fine. nu. 8. [*leg.* 9, vol. iii. p. 254.]

Die Octavo. Mr. Burton would have made any canons pew-fellows with an Act of Parliament." But seriously, should not Mr. Burton's testimony for this have been produced at the second instance of this day [x]? For in the end of that is just such another charge; and the answer there given will satisfy this, and that by Act of Parliament too [y].

X. After this came a charge with a great outcry, that since my coming to be Archbishop I had renewed the High-Commission, and put in many illegal and exorbitant clauses, which were not in the former. Both the commissions were produced [z]. Upon this I humbly desired, that the docket might be read; by which their Lps. might see all those particulars which were added in the new commission, and so be able to judge, how fit or unfit they were to be added. The docket was read. And there was no particular found, but such as highly deserved punishment, and were of ecclesiastical cognizance, as blasphemy, schism, and two or three more of like nature.

1. In this charge, the first exorbitant [1] clause they insisted on, as added to the new commission, was the 'power given *in locis exemptis, et non exemptis,*' as if it were thereby intended to destroy all privileges. No, not to destroy any privilege, but not to suffer enormous sins to have any privilege. Besides, this clause hath ever been in all commissions that ever were granted. And I then showed it to the Lords in the old commission there present, pp. 28, 32, 35, 42. "Nay more, this proceeding, *tam in locis exemptis, quam non exemptis,* is allowed to the governors of the Church, in the exercise of their ecclesiastical jurisdiction, by Act of Parliament in Queen Elizabeth's time [a]; which would never have been allowed, had it then been thought such a dangerous business, as 'tis now made against me [2]."

2. The second clause was, 'Power to censure by fine and imprisonment.' This also I showed in the old commission, fol. 37 [3], and is, as I conceive, in plain pursuance of the Act

[1] ['exorbitant' in margin.]
[2] ['Nay more . . against me.' on opposite page.]
[3] ['fol. 37,' in margin.]

[x] [P. 148. of orig. MS. See above, p. 170.]
[y] 25 Hen. VIII. cap. 19, § ult. [See above, p. 170, note [d].]
[z] [The two Commissions are given in Rymer, Fœd. VII. iv. 171—181, and VIII. iv. 34—43.]
[a] 1 Eliz. cap. 2. [§ 23.]

of Parliament upon which the High-Commission is grounded[b]. For the King says there, fol. 13, (and so 'tis in the new,) that he grants this power, by virtue of his supreme authority and prerogative royal, 'and of the said Act[c].' Nay further, 'tis added in this latter commission, 'and by our authority ecclesiastical,' which is not expressed in the former. And sure I would never have caused 'authority ecclesiastical' to be added, had I any plot (as 'tis urged) either to exalt the clergy above the laity, or to usurp 'papal power;' which all men know is far enough from ascribing ecclesiastical authority to the King. And as for fine and imprisonment; if that power be not according to law, why was it first admitted, and after continued in all former commissions [1]? Die Octavo.

3. The third clause was the *non obstante*, which he said was 'against (153) all law, and of such a boundless extent, as was never found in commission or other grant in England.' And he here desired the Lords, that he might read it [2], which he did, with great assurance of a triumph. But after all this noise, which Mr. Nicolas had made, I showed the same *non obstante* in the old commission, fol. 62, word for word, which I humbly desired might be read and compared: it was so. The Lords looked strangely upon it: Mr. Nicolas was so startled, that he had not patience to stay till his reply, (which he saw impossible to be made,) but interrupted me, and had the face to say in that honourable assembly, that I need not stand upon that, for he did but name that, without much regarding it. And yet at the giving of the charge, he insisted principally upon that clause, and in higher and louder terms than are before expressed. Had such an advantage been found against me, I should have been accounted extremely negligent, if I compared not the commissions together; or extremely impudent, if I did.

4. The fourth exception was, 'that by this commission I took greater power than ever any court had, because both temporal and ecclesiastical.' First, whatsoever power the High-Commission had, was not taken by them, till given by

[1] ['And as . . . commissions?' on opposite page.]
[2] ['that he might read it,' originally 'to read it,']

[b] 1 Eliz. cap. 1, § [1]8.
[c] The words of the statute are, 'by virtue of this Act.'

Die Octavo.

his Majesty, and that according to use and statute (for aught hath been yet declared). Secondly, they have not power of life or limb, therefore not so great power as other courts have. Thirdly, they may have more various power in some respects, but that cannot make it greater. "As for the expression in which 'tis said, 'I took this power;' that is put most unworthily, and unjustly too, to derive the envy as much as he could upon my person only." For he could not hold from comparing me to Pope Boniface VIII. and saying, that 'I took on me the power of both swords[d].' But this was only *ad faciendum populum.* For he knows well enough, that to take both the swords, as the Pope takes them, is to challenge them originally as due to him and his place: not to take both, as under the prince, and given by his authority; and so, not I alone, but all the commissioners take theirs.

5. Fifthly, to prove that this vast commission (as it was called) was put in execution, Mr. Burton is produced. He says, that 'when he was called into the High-Commission, he appealed to the King, and pleaded his appeal; and that thereupon I and the Bp. of London writ to the King to have him submit to the court.' He confesses he was dismissed upon his appeal, till his Majesty's pleasure was further known. And it was our duty, considering what a breach this would make upon the jurisdiction of the court, to inform his Majesty of it; and we did so. The King declared, that he should submit to the court, as is confessed by himself. Then he says, 'because he would not submit to the court, he was censured notwithstanding his appeal.' And he well deserved it, that would not be ruled by his Majesty, to whom he had appealed. And the Commission had power to do what they did. Besides, himself confesses, all this was done by the High-Commission, not by me. Nor doth he urge any threat, promise, or solicitation of mine, any way to particularise the act upon me; and further, he is single, and in his own cause.

XI. Then followed the last charge of this day, which was the patent granted for the fines in the High-Commission for finishing the west end of St. Paul's, cried out upon as illegal, and extorted from the King, and such as took all power from

[d] [See Extrav. Com. lib. i. tit. 'De Majorit. et Obed.' cap. 1. 'Unam sanctam,' in lib. Extrav. p. 208. Corp. Jur. Can. tom. iii.]

him for the space of the ten years, for which time it was granted. This is the fourth time that St. Paul's is struck at. My Lords, let it come as often as it will, my project and endeavour in that work was honest and honourable, to both church and kingdom of Englaud. No man in all this search and pursuit hath been able to charge me with the turning of any one penny, or pennyworth, to other use than was limited to me. I took a great deal of care and pains about the work, and cannot repent of anything I did in that service, but of human frailty. And whereas 'tis said, 'this patent was extorted from his Majesty;' as there is no proof offered for it, so is there no truth in it. (154) For his Majesty's piety was so forward, that nothing needed to be extorted from him. Thus went I on, *bona fide*, and took the prime direction of the kingdom for drawing the patent; the L. Keeper Coventry [e], Mr. Noy [f], and Sir Henr. Martin [g]. [1]And therefore if anything be found against law in it, it cannot be imputed to me, who took all the care I could to have it beyond exception. And I marvel what security any man shall have, that adventures upon any great and public work in this kingdom; if such counsel cannot be trusted for drawing up of his warrant." "And whereas it was said, 'this patent for the ten years' space took away both justice and mercy from the King:' that's nothing so. For whatever the words be to enable me the better for that work, yet these being inseparable from him, may be used by him, notwithstanding this or any other patent. And if these be inseparable (as 'tis granted they are), no inseparable thing can be taken away; or if it be taken, 'tis void in law, and the King is where he was in the exercise of his right, both for justice and mercy. And so I answered Mr. Brown's summary charge against me; and as for that which he further urged concerning S. Gregory's church, Mr. Inigo Jones and others were trusted with that whole business, and were censured for it in this present Parliament [h]. In all which examination, no

Die Octavo.

[1] [Originally, 'And the Ld. Keeper was so careful (to his honour I speak it) that he would needs draw the' The sentence was not completed; the words are crossed out.]

[e] [See above, p. 167, note g.]
[f] [Attorney-General.]
[g] [Judge of the Prerogative Court.]
[h] [See Nalson's Collection, vol. i. pp. 728, 729, 771.]

Die Octavo. part of the charge fell on me[1]." And because here are so many things urged about free-chapels, lay-fees, patents, appeals, and the like, I humbly desire a *salvo* may be entered for me, and that my counsel may be heard for matter of law, if any doubt stick with your Lps.

This day ended, I did, according to my resolution formerly taken, move the Lords for means, considering my charge in coming, and how oft I had attended and was not heard. Their Lps. considered of my motion, and sent me out word I should petition them. I did humbly petition their Maii 6. Lps., May 6. My petition was presently sent down to the House of Commons, that so by both Houses it might be recommended to the Committee for Sequestrations[1]. But upon a speech in the House of Commons, that it was fit to see what would become of me, before they troubled themselves with thinking of means for me, my petition was cast aside.

[1] ['And if these . . . fell on me.' on opposite page.]

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[1] [The following is the entry in the Lords' Journals:—

"Die Mercurii, 8° die Maii.—Upon reading the petition of William, Archbishop of Canterbury, prisoner in the Tower, showing, 'That having no other means than by this his humble petition to renew his most humble motion made to your Lordships at the bar for some support, according to the necessity of his occasions of attending before your Lordships, the whole revenue of his archbishopric having been now two years under sequestration, his goods seized; therefore desired that some fitting, present, timely proportion may be timely (*sic*) allotted him, for his present maintenance:'

"Hereupon this House ordered, That this petition be recommended to the House of Commons; and desired that such course may be taken for his relief herein as is usual in things of this nature."]

CAP. XXXI.

AT my parting from the House, I was ordered to appear again on Thursday, May 9[1]. But then fairly put off by an order (sent to the Lieutenant of the Tower) to Monday, May 13, so the scorn and charge of that day was scaped. But then I appeared according to this order, and had scorn plenty, for what I escaped the day before. And, after long attendance, was dismissed again unheard, and had Thursday, May 16, assigned unto me. That day held, and proceeded thus. Maii 9. Maii 13.

THE NINTH DAY OF MY HEARING.

The first charge of this day was about a reversion of the town-clerk's office of Shrewsbury[2] to one Mr. Lee, which he desired might be inserted into the new charter[3]. First, Mr. Lee is single here, and in his own case. Secondly, it appears by his own confession, out of the mouth of Mr. Barnard, that there was a reference of this business to those Lords to whom Shrewsbury charter was referred. For he says, that Mr. Barnard told him his business was stayed, and he thought by me, but did not know whether the Lord Keeper's hand were not in it: so it seems by himself, this was done by the Lords referees, and not by me. Thirdly, I did not then think, nor do now, that the reversion of a place to be sold for three hundred pound[4], (as he confesses that was,) was fit to be put into a town charter; but yet neither I nor the Ld. Keeper did anything in that stop, but what we acquainted
12 his Majesty with, and had his approbation of. And, whereas he says, that he acquainted the Right Honourable the E. of Dorset[a] with (155)the stay that was made, and 'that hereupon his Lp. should say, Have we two kings?' I cannot believe I. Maii 16, 1644. Die Nono.

[1] [There originally followed here, and afterwards erased, 'After scorn by the way, and long attendance there, I was sent back unheard. And commanded to be there again on Monday, Maii 13. Then put off again to Thursday, Maii 16; but this was']

[2] ['of Shrewsbury' in margin.] [3] [Originally, 'of Shrewsbury.']

[4] ['for three hundred pound,' in margin.]

[a] [Edward Sackville, fourth Earl of Dorset of that family. See vol. iii. p. 151, note [1].]

Nono. that honourable lord would so say, unless he were much abused by Mr. Lee's information, both in regard of his love to me; and in regard it could not proceed from a man of so great a judgment as that lord is. For, I beseech your Lps. consider, may not lords, to whom a business is referred, give his Majesty good reason to alter his mind in some particulars which they have debated, and not he? And may not this be done, without any one of them taking on him to be a second king?

II. The second charge was laid on me by Sir Arthur Haselrigg: (which should have come in the day before, as Mr. Nicolas said, but that Sir Arthur was absent in the necessary service of the State). Sir Arthur being single, and in his own case, says, 'that Sir John Lambe presented a blind parson to a living of his.' If Sir John did that, or any unworthy thing else, *ætatem habet*, let him answer for himself. He says further, 'that this living is an impropriation, and so a lay-fee by law; and that when he told me so much, I made him this answer, That if I lived, no man should name or stand upon his lay-fee.' I conceive, my Lords, here's a great mistake in the main. For I have been credibly informed, and do believe, that benefice is presentative, and so no lay-fee. And then there's no fault to present unto it, so the clerk be fit. Secondly, there is a main mistake in my words, which I remember well, and where it was that I spake them. My words, under this gentleman's favour, and your Lps.', were these, and no other, That I had good information that the benefice was presentative, and that if I lived, I hoped to order it so, that no man should make a presentative benefice a lay-fee; there were too many of them already. Thirdly, if I did speak the words as they are charged, if they come within that statute of six months, so often mentioned, to that I refer myself. 'Whatsoever the bird at this time of the year sings;' as Mr. Nicolas was pleased to put it upon me. And truly, my Lords, I could easily return all his bitterness upon himself, could it befit my person, my present condition, or my calling.

III. The third charge was about the refusing of a pardon, which Mrs. Bastwick said she produced in the High-Commission Court, some nine or ten years since: and she adds, that

'I should then say, it should not serve his turn.' But this Die Nono.
was no rejecting of the pardon; for she confesses I said, 'I would move his Majesty about it.' So that if it did not serve his turn, it was from the King himself, upon motion made and reason given, not from any power assumed by the High-Commission or myself. And the act, whatever it were, was the act of the whole court, not mine. As for the words (if mine), I give the same answer as before, notwithstanding Mr. Nicolas his bird.

The fourth charge was, that whereas there was a proclama- IV.
tion to be printed about the Pacification with the Scots, it was suddenly stopped, and an order after for burning of the
13 Pacification. First, Mr. Hunscot[b] is single in this charge. Secondly[1], whatsoever was done in this, was by order of Council: and himself names an order, which could not come from me. Thirdly, he charges me with nothing but that I sent word the proclamation was to be stayed: which if I did, I did it by command. Howsoever, this concerns the Scottish business, and therefore to the Act of Oblivion I refer myself. "With this, that I see by this testimony, Mr. Hunscourt (for I took his name uncertainly) hath not yet forgotten, 'Thou shalt commit adultery[c].' So desirous he is to catch me at the press."

The fifth charge was about a benefice in Northampton- V.
shire, in the case of Mr. Fautrye, and Mr. Johnson, and Dr. Beal's[d] succeeding them[e]. In which broken business (for such it was), first, that business all along was acted by the High-Commission, not by me. Secondly, that though in the case of simony the benefice be lost, *ipso facto;* yet that (156) must be proved before the incumbent can be thrust out, and another instituted; else churchmen were in a miserable condition for their livelihood. Excommunication is in many

[1] ['Mr. Hunscot ... Secondly,' in margin.]

[b] [Joseph Hunscot. See above, pp. 79, 165.]

[c] [Referring to the gross misprint in the edition of the Bible, for which the printers were fined.] P. 146 [of orig. MS. See above, p. 165].

[d] [William Beale was elected Master of S. John's College, Cambridge, in 1633. He was one of the chief sufferers in that Univ. from the Puritans.]

[e] [Peter Fantrart (called Fawtrard by Baker, Hist. of Northamptonshire, vol. ii. p. 205) was presented to Paulerspury, April 6, 1630 (Rymer, Fœd. VIII. iii. 166); Ezekiel Johnson, on Dec. 2, 1631 (ibid. p. 223); and William Beale, Oct. 31, 1637 (ibid. IX. iii. 144). In all these cases the living is said to have been vacant by reason of simony.]

Die Nono. cases void in law, *ipso facto*, and yet, *ante latam sententiam*, till sentence be orderly pronounced against it, no man shall[1] be subjected to those fearful consequences which follow upon it. "And upon this ground of natural equity, that in the statute concerning the uniformity of common prayer proceeds, where 'tis said, that a party once convicted for depraving the Common-Prayer Book, and relapsing into the same crime, shall be deprived of all his spiritual promotions, *ipso facto*[f]. But how? without any legal proceedings? No: God forbid. For the words preceding immediately in that statute, are, 'that he must be first legally convicted of that criminal relapse;' and then follows *ipso facto*, and not before[2]:" and therefore the superinstitution, before the simony tried and judged, was illegal; beside the great danger to the parishioners while two parsons and their several friends are scrambling for the tithes. Secondly, Fautrye was not censured for the original cause of simony, but for an intruder, and colluder too, with Jeames to abuse the King's grant of the benefice. Thirdly, it seems Fautrye had no better opinion of his own cause: for he went to his benefice in Jarsey, and set not his title on foot again till after seven years, and that I think was when he heard that Mr. Johnson was a pretender to it. And his bond upon the sentence was to make a final peace. For the prohibition, which he says was refused, I have answered that before in the charge about prohibitions. Besides, it appears by law, that as prohibitions may be granted in some cases, so in some cases they may be refused[g]. For Dr. Beal, there is not the least show of proof offered, that I brought him in; if to do so be a crime.

Thus far Mr. Fautrye went. As for Mr. Johnson's title, he says, 'that the Lords ordered it for him, and declared that we in the High-Commission could put no man out of his freehold.' Where first, if your Lps. have ordered this business, I must crave to know how far I shall have leave to speak to it: for if there be any errors charged upon[3] the sentence given in the High-Commission, if they may not be spoken to, they cannot be satisfied. This I am sure of, the

[1] ['it, no man shall' originally 'him, he shall not']
[2] ['And upon ... before:' on opposite page.]
[3] ['charged upon' in margin.]

[f] 1 Eliz. c. 2. [§ 5.] [g] 13 Ed. I.

Commission hath power to deprive. For the statute gives it power 'to use all ecclesiastical and spiritual censures[h],' of which deprivation is known to be one[i]. And that power is expressly given, to deprive some offenders of all their spiritual promotions, by the statute following[i]. Therefore I think it follows necessarily, either that we have power over freehold in that case; or else, that a benefice is not a freehold. But I have no reason howsoever to speak anything (were I left never so free) against your Lps.' order, which very honourably left Dr. Beal to the law; as 'tis confessed by Johnson. Die Nono.

Besides these two in their own cause, one Mr. Jenkins is produced, "but to what end I know not, unless it be to bespatter Dr. Beal." He says, that seven years since, Dr. Beal was Vice-Chancellor of Cambridge[k]; that in his sermon he then inveighed bitterly against the power of Parliaments, and named some unsavoury speeches of his, both concerning their persons and proceedings. Surely, if Dr. Beal did as is testified, he was much to blame. But what is this to me? If it be said, 'I did not punish him:' how could I punish that I knew not? And I profess I heard not of it till now at bar. If it be said, 'I did prefer him:' that I do absolutely deny; and neither Mr. Jenkins, nor any other, offers the least proof, that I knew the one, or did the other.

The sixth charge was concerning the Statutes of the University of Oxford, in which, and the cathedrals of the new erection, Mr. Nicolas says, I took on me to be an universal lawgiver. Many such offices he bestows upon me, which God knows, and I believe he too, that I never affected: no, my Lords, the great necessities of that University called upon me for it: their statutes lay in a miserable confused heap: when any difficulty arose, they knew not where to look for remedy or direction. Then into the Convocation-House, and make a new statute; and that many times proved contrary to an old one concerning the same business. Men in the meantime sworn to both, which could not possibly be kept together. By this means perjury was in a manner unavoidable: and themselves confess in their Register (which is now VI.

[1] ['For the statute . . . one.' on opposite page.]

[h] 1 Eliz. c. 1, § 8.
[i] 1 Eliz. c. 2.
[k] [Beale was appointed Vice-Chancellor in 1634.]

Mr Nicolas in court that till this was done, they did in a sort swear, that they might be forsworn[l].

137 Besides, my Lords, I did not abolish any the old books, in which the statutes lay so confused, some in one book, and some in another; but left them all entire in the University, in case in any after-times any use might be made of them. Nor did I with them as some ancient philosophers are said to have done with the works of some that went before them: that is, make them away, to advance their own honour the more, as if without any help of former pains, they had done all themselves. Holding it honour more than enough for me, that God had so highly blessed me in this work, as to finish and settle those statutes; which the greatest men in their times, Cardinal Wolsey[m] first, and after him Cardinal Pole[n], assayed, but left as imperfect as they found them. Neither did I anything in this work, but by the consent of the University, and according to an Act (and a delegacy thereby appointed) of their own Convocation[o].

Mr. Nicolas says, 'there is a rasure in one of the Acts, and supplied in other ink.' I told your Lps. then presently, 91
(being loth to lie never so little under such an imputation,) that[1] if there be any such, it must be charged upon the University, not upon me; for those records were never in my hands, nor is it so much as said they were. And since I withdrew to make my answer, I have viewed the record, and an alteration or addition there is; and 'tis a known hand. 'Tis Dr. Duppa's hand, now L. Bishop of Salisbury, and then Vice-Chancellor[p], who I doubt not but is able to give a good account of what he did therein, and why. And for aught appears, 'tis nothing but the amendment of some slip, which their ignorant register French[q] had failed in, and the Vice-Chancellor thought it safest to mend with his own hand. And for my own part, if ever I did anything worth thanks

[1] ['being loth . . . that' in margin.]

[l] Jurati ante, ut perjuri evaderent, [Reg. Conv. R.] fol. 69. [In the letter in which the University submitted the Statutes to the ordering of the Archbishop, quoted in Hist. of Chancellorship, p. 91.]

[m] [See Wood's Annals, ad ann. 1518, 1520, pp. 15, 18, 19.]

[n] [See Wood's Annals, ad an. 1556, pp. 132, 133.]

[o] [See Hist. of Chancellorship, p. 102, note [x].]

[p] [Duppa was Vice-Chancellor from July 19, 1632, to July 26, 1634.]

[q] [John French, Fellow of Merton College, elected Registrar in 1629. Wood terms him 'a careless man, though a good scholar.' (F. O. i. 452.)]

from the public in all my life, I did it in this work for that University. And I wish with all my heart the times were so open, as that I might have the University's testimony, both of me and it. "Since I cannot, a great lord present in the House, when this charge was laid against me, supplied in part their absence. For he was overheard say to another lord, 'I think my Ld. Archbishop hath done no good work in all his life, but these men will object it as a crime against him before they have done.'" Die Nono.

With this charge about the statutes, it was let fall, (and I well know why; "it was to heat a noble person then present[r],") 'that I procured myself to be chosen Chancellor of that University.' If I had so done, it might have been a great ambition in me, but surely no treason. But, my Lords, I have proof great store, might I be enabled to fetch it from Oxford, that I was so far from endeavouring to procure this honour to myself, as that I laboured by my letters for another. And 'tis well known, that when they had chosen me, I went instantly to his Majesty, so soon as ever I heard it, and humbly besought him, that I might refuse it, as well foreseeing the envy that would follow me for it; and it did plentifully every way. But this for some reasons his Majesty would not suffer me to do[1].

Then were objected against me divers particulars contained in those statutes[1]. 1. 'As first, the making of new oaths.' The charters of the University are not new, and they gave power to make statutes for themselves, and they have ever been upon oath. 2. The next illegality is, 'that men are tied to obey the Proctors in singing the Litany.' This is ancient[s], and in use long before ever I came to the University, and it is according to the Liturgy of the Church of England established by law. 3. Thirdly, 'the statute of bannition from the University[t].' But there is nothing more ancient in the University Statutes than this. 4. Fourthly, 'that nothing should be proposed in Convocation, but what was consented unto among the Heads

[1] [P. 144. is written in the margin, against this place, in the Archbishop's hand, referring to the passage inserted in that page of the original MS., but belonging to this place. See above, p. 161.]

[r] [Philip, Earl of Pembroke, his competitor for the Chancellorship.]

[s] [Corp. Stat. tit. ix. sect. i. § 5, from the Book of the Senior Proctor (marked B), fol. 139 b.]

[t] [See tit. xv. De Moribus Conformandis, passim.]

Die Nono. of Colleges first; which was said to be against the liberty of the students[u].' The young Mrs. of Arts, void of experience, were grown so tumultuous, that no peace could be kept in the University, till my worthy predecessor, the Right Honourable William E. of Pembroke, settled this order among them. As he did also upon the same grounds settle the present way of the (158) choice of their Proctors[x]. In both which, I did but follow, and confirm (for so much as lay in me) the good and peaceable grounds which he had laid in those two businesses. "And Mr. Brown, who in the summing up of my charge urged this against me, mainly mistook in two things. The one was, that he said, this inhibition of proposals was in Congregations: whereas it was only in Convocations, where more weighty businesses are handled. The other was, that this stay of proposals was made, till 'I might be first acquainted with them.' No; it was but till the Heads of Colleges had met, and considered of them, for avoiding of tumultuary proceedings. And when my honourable predecessor made that order, it was highly commended everywhere; and is it now degenerated into a crime, because it is made up into a statute[1]?" 5. Fifthly, 'that some things are referred to arbitrary penalties[y].' And that some things are so referred is usual in that University, and many colleges have a particular statute for it. Nor is this any more power than ordinary schoolmasters have, which have not a statute-law for every punishment they use in schools. And in divers things, the old known statute is, that the Vice-Chancellor shall proceed *grosso modo*, that is, without the regular forms of law, for the more speedy ending of differences among the scholars. 6. Sixthly, 'that the statute made by me against conventicles is very strict[z].' But for these that statute is express, *De illicitis Conventiculis*, and I hope such as are unlawful may be both forbid, and punished. Besides, it is according to the charter of Richard the Second to that University[a]. 7. The seventh was 'the power of discommoning.' But this also hath ever been in power and in usage in that University; as is com-

[1] ['And Mr. Brown, . . . statute?' on opposite page.]

[u] [Corp. Stat. tit. x. sect. ii. § 2; and tit. xiii.]

[x] [See Wood's Annals, ad an. 1629, p. 365; and Corp. Stat. Append. p. 56.]

[y] [See Corp. Stat. tit. xv. De Moribus Conformandis, passim.]

[z] [Tit. xv. § 12 [*leg.* 13].

[a] [As is expressly stated in the statute itself.]

monly known to all Oxford-men. And no longer since than King James his time, Bishop King[b], then Vice-Chancellor, discommoned three or four townsmen together. 8. Next, 'that students were bound to go to prison upon the Vice-Chancellor's or Proctors' command[c].' This also was ancient, and long before my coming to the University. And your Lps. may be sure the delegacy appointed by themselves would not have admitted it, had it not been ancient and usual. Lastly, 'about the stay of granting graces, unless there were testimony from the bishop of the diocese[d].' This was for no graces, but of such as live not resident in the University, and so they could not judge of their manners and conversation. And for their conformity to the Church of England, none (as I conceive) can be a fitter witness than the bp. of the diocese in which they resided. And, my Lords, for all these thus drawn up by some of their own body, I obtained of his Majesty his broad seal for confirmation[e]: and therefore no one thing in them is by any assumption of papal power, as 'tis urged, but by the King's power only. Die Nono.

Then followed the seventh charge, about the statutes of some cathedral churches. First, my Lords, for this I did it by letters-patent from the King, bearing date Mar. 31, *decimo Caroli*[f], and is extant upon record. And all that was done was *per juris remedia*, and so nothing intended against law, nor done, that I know. They had extreme need of statutes, for all lay loose for want of confirmation, and[1] men did what they listed: and I could not but observe it, for I was Dean of Gloucester, where I found it so. In seeking to remedy this, I had nothing but my labour for my pains, and now this accusation to boot. The particulars urged are, 1. 'that I had ordered, that nothing should be done in these statutes, *me inconsulto*.' And I had great reason for it. VII.

[1] ['for want of confirmation, and' in margin.]

[b] [Dr. John King, Dean of Christ-Church (afterwards Bishop of London), was Vice-Chancellor, 1607-1610. Wood terms him "a fierce maintainer and defender of the University privileges." (Fasti, p. 118.) See a long account of these proceedings in Wood's Annals, ad an. 1609, pp. 299–304. They ended in the discommoning of several of the citizens, whose names are there given (p. 304).]

[c] [Tit. xv. § 2, and passim.]

[d] Tit. ix. [sect. iii.] § 2.

[e] [The King's ratification is prefixed to the Corpus Statutorum.]

[f] [The document is recorded in the Archbishop's register. It is erroneously dated in Wilkins' Conc. (tom. iv. pp. 532, 533,) 'anno regni nostri decimo tertio.']

Die Nono. For since I was principally trusted in that work by his Majesty, the King, if any complaint were made, would expect the account from me. And how could I give it, if other men might do all, and I not be so much as consulted before they passed?

2. 'That I made a statute against letting leases into three lives[g].' But first, my Lds., the statute which makes it lawful to let leases for one-and-twenty years, or three lives, hath this limitation in it, 'that they shall not let for any more years than are limited by the said colleges or churches[h].' Now in Winchester Church, and some other, the old[1] local statute is most plain, that they shall let no lease into lives. Let the dean and prebendaries answer their own acts and their consciences as they can. And in those statutes which I did not find pregnant to that purpose, I did not make the statute absolute, but left them free to renew all such leases as were anciently in lives before. And this give me leave to say to your Lps. without offence; If but a few more leases be granted into lives, no bishop nor cathedral church shall be able to subsist. And (159) this is considerable also, that, as the state of the Church yet stands, the laity have the benefit, by the leases which they hold, of more than five parts of all the bishops', deans and chapters', and college revenues in England. "And shall it be yet an eyesore to serve themselves with the rest of their own? This evidence Mr. Browne, whose part it was to sum up the evidence against me at the end of the charge, wholly omitted: for what cause he best knows[2]."

VIII. The next charge 'was about my Injunctions in my visitation of Winton and Sarum, for the taking down of some houses.' But they were such, as were upon consecrated ground, and ought not to have been built there; and yet with caution sufficient to preserve the lessees from overmuch damage[3]. For it appears *apud acta*, that they were not to be pulled down till their several leases were expired[1].

[1] ['old' in margin.] [2] ['This evidence . . . knows.' on opposite page.]
[3] [There originally followed in this place, 'And since the law of the land hath provided.' The words were afterwards erased.]

[g] [See the letters of King Charles I. to Laud on this subject, in Wilkins' Concilia, tom. iv. pp. 493, 494.]
[h] 13 Eliz. cap. 10, § penult.

[1] [This does not so appear in the Injunctions to Winchester Cathedral. The Injunctions to Salisbury Cathedral have not been met with.]

And that they were houses not built long since, but by them; and that all this was to be done, to the end[1] that the Church might suffer no damage by them: and that this demolition was to be made[2] *juxta Decreta regni*, according to the Statutes of the kingdom. Therefore nothing enjoined contrary to law: or if anything were, the injunction took not place, by the very tenor of that which was charged. "Mr. Browne omitted this charge also, though he hung heavily upon the like at St. Paul's, though there was satisfaction given, and not here[3]." Die Nono.

The ninth charge was my intended visitation of both the Universities, Oxford and Cambridge. For my troubles began then to be foreseen by me, and I visited them not. 1. This was urged as a thing directly against law. But this I conceive cannot be, so long as it was with the King's knowledge, and by his warrant. 2. Secondly, because all power of the King's visitations was saved in the warrant, and that with consent of all parts. 3. Thirdly, because nothing in this was surreptitiously gotten from the King, all being done at a most full Council-table, and great counsel at law heard on both sides[k]. 4. Fourthly, because it did there appear, that three of my predecessors did actually visit the Universities, and that *jure Ecclesiæ suæ metropoliticæ*. 5. Fifthly, no immunity pleaded, why the Archbishop should not visit; for the instance against Cardinal Poole is nothing. For he attempted to visit, not only by the right of his See, but by his power legatine from the Pope; whereas the University charters are express, that such power[1] of visitation cannot be granted *per Bullas Papales*. And yet now 'tis charged against me, that I challenged this[4] by Papal power. "Mr. Browne wholly neg- IX.

[1] ['that all . . . end' originally 'to this end']
[2] ['that this . . . made' in margin. Originally 'all this']
[3] ['Mr. Browne omitted . . . here.' on opposite page.]
[4] ['that I challenged this' in margin. Originally 'that I did this now']

[k] [See an account of the proceedings in Rushworth's Collections, vol. ii. pp. 324, seq. Some papers relating to the Archbishop's claim to visit the University of Cambridge, will be found in vol. v. pp. 555, seq.]

[1] The Archbishop had collected many papers, decrees, and precedents, to assert his privilege of visiting the Universities, in right of his See, about the year 1635. Which being seized on by Pryn, among his other papers at Lambeth, were by him, after the Archbishop's death, published in his own name, with this title, "The Plea of the University of Oxford refuted, &c." London, 1647. Eight sheets in 4to.— H. W.

Die Nono. lected this charge also, which, making such a show, I think he would not have done, had he found it well grounded."

X. The tenth charge was my visitation of Merton College in Oxford. The witness, Sir Nathaniel Brent [m], the Warden of the college, and principally concerned in that business. 1. He said, first, 'that no visitation held so long.' But if he consult his own office, he may find one much longer, held and continued at All-Souls College by my worthy predecessor, Archbishop Whitgift [n]. 2. Secondly, he urged 'that I should say I would be Warden for seven years.' If I did so say, there was much need I should make it good. 3. Thirdly, 'that one Mr. Rich. Nevil, Fellow of that college, lay abroad in an ale-house, that a wench was got with child in that house, and he accused of it; and that this was complained of to me; and Sir Nath. Brent accused for conspiring with the ale-wife against Nevil.' I am not here to accuse the one or defend the other. But the case is this. This cause between them was public, and came to hearing in the Vice-Chancellor's Court, witnesses examined, Mr. Nevil acquitted, and the ale-wife punished. In all this I had no hand. Then in my visitation it was again complained of to me. I liked not the business; but forbare to do anything in it, because it had been legally censured upon the place. "This part of the charge Mr. Browne urged against me in the House of Commons, and I gave it the same answer." 4. Lastly, when I sat to hear the main business of that college, Sir Nathaniel Brent was beholding to me that he continued Warden. For in Archbp. Warham's time, a predecessor of his was expelled for less than was proved against him [o]. And I found that true which one of my visitors had formerly told me, namely, (160) That Sir Nathaniel Brent had so carried himself in that college, as that if he were guilty of the like, he would lay his

[m] [Nathaniel Brent, who had married the niece of Abp. Abbot, was made Commissary of the Diocese of Canterbury, and Vicar-General. Though in these capacities he carried on Abp. Laud's visitation, on the change of his fortune he sided with his enemies, took the Covenant, and openly joined the rebels. He was deprived of his Wardenship by the King in 1645; and though restored the following year, was compelled to resign it in 1650; and died in 1652. (Wood, Ath. Ox. iii. 333—335.)]

[n] [Strype mentions two visitations of All Souls College, by Abp. Whitgift, in 1592 and 1602.]

[o] [The person here spoken of, was Richard Rawlins, who was deprived of his Wardenship in 1521, and in 1523 was made Bishop of S. David's. (Wood, Ath. Ox. ii. 743.)]

key under the door, and be gone, rather than come to answer it. Yet I did not think it fit to proceed so rigidly. But while I was going to open some of the particulars against him, Mr. Nicolas cut me off, and told the Lords, this was to scandalize their witnesses. So I forbare. Die Nono.

Then followed the last charge of this day, concerning a book of Dr. Bastwick's, for which he was censured in the High-Commission. The witnesses in this charge were three. Mr. Burton, a mortal enemy of mine, and so he hath showed himself. Mrs. Bastwick, a woman and a wife, and well tutored: for she had a paper, and all written which she had to say; though I saw it not till 'twas too late. And Mr. Hunscot, a man that comes in to serve all turns against me, since the sentence passed against the printers, for, 'Thou shalt commit adultery [p].' XI.

1. In the particulars of this charge, 'tis first said, 'that this book was written *contra Episcopos Latiales* [q]. But how cunningly soever this was pretended, 'tis more than manifest, it was purposely written and divulged against the bishops and Church of England. 2. Secondly, 'that I said that Christian bishops were before Christian kings:' so Burton and Mrs. Bastwick. And with due reverence to all kingly authority be it spoken, who can doubt but that there were many Christian bishops before any king was Christian? 3. Thirdly, Mr. Burton says, 'that I applied those words in the Psalm, "Whom thou mayest make princes in all lands [r]," to the bishops.' For this, if I did err in it, many of the Fathers of the Church misled me, who interpret that place so [s]. And if I be mistaken, 'tis no treason. But I shall ever follow their comments before Mr. Burton's. 4. Fourthly, Mrs. Bastwick says that I then said, 'no bishop and no king:' if I did say so, I learned it of a wise and experienced author, King James, who spake it out and plainly in the Conference at Hampton-

[p] [See above, pp. 79, 165, 185.]

[q] [The title of Bastwick's book was, "Flagellum Pontificis et Episcoporum Latialium." It was published in 1635.]

[r] Psal. xlv. 17.

[s] [It may be sufficient to quote the language of S. Augustine: "Quid est, 'Pro patribus tuis nati sunt tibi filii?' Patres missi sunt Apostoli, per Apostolis filii nati sunt tibi, constituti sunt Episcopi . . . 'Constitues eos principes super omnem terram.' Hæc est Catholica Ecclesia; filii ejus constituti sunt principes super omnem terram, filii ejus constituti sunt pro patribus." —S. Aug. Enarr. in Ps. xliv. § 32. Op., tom. iv. coll. 564. C. D., 565. A. Other passages of the Fathers, to the same effect, are quoted in Hickes's Treatises, vol. ii. pp. 344—346.]

Die Sunæ. Court [s]. And I hope it cannot be treason in me to repeat it. 5. Fifthly, Mrs. Bastwick complained, 'that I committed her husband close prisoner.' Not I, but the High-Commission; not close prisoner to his chamber, but to the prison, not to go abroad with his keeper. Which is all the close imprisonment which I ever knew that court use. 6. Lastly, the pinch of this charge is, 'that I said, I received my jurisdiction from God, and from Christ, contrary to an Act of Parliament, which says Bps. derive their jurisdiction from the King [t].' This is witnessed by all three, and that Dr. Bastwick read the statute. That statute speaks plainly of jurisdiction *in foro contentioso*, and places of judicature, and no other. And all this forensical jurisdiction, I and all Bps. in England derive from the Crown. But my order, my calling, my jurisdiction *in foro conscientiæ*, that is from God, and from Christ, and by divine and apostolical right. And of this jurisdiction it was that I then spake (if I named 'jurisdiction' at all, and not my calling in general. For I then sate in the High-Commission, and did exercise the former [1] jurisdiction under the broad seal, and could not be so simple to deny the power by which I then sate. Beside, the Canons of the Church of England, to which I have subscribed, are plain for it [x]. Nay further: the use and exercise of my jurisdiction *in foro conscientiæ*, may not be but by the leave and power of the King within his dominions. And if bishops and presbyters be all one order (as these men contend for), then bishops must be *jure divino*, for so they maintain that presbyters are. "This part of the charge Mr. Browne pressed in his report to the House of Commons: and when I gave this same answer, he in his reply said nothing but the same over and over again, save that he said, 'I fled to he knew not what inward calling and jurisdiction;' which point as I expressed it, if he understood not, he should not have undertaken to judge me."

[1] ['the former' in margin.]

[s] Conf. at Hampt. Court, [by William Barlow,] p. 84. [p. 82. Lond. 1604.]

[t] 37 Hen. VIII. cap. 17. [§ 2.]

[x] Can. 1.

CAP. XXXII.

THE 16th of May I had an order from the Lords, for free access of four of my servants to me. Maii 16.

On Friday, May 17, I received a note from the Committee, that they intended to proceed upon part of the sixth original Article remaining, and upon the seventh; which seventh Article follows *in hæc verba*:— Maii 17.

> *That he hath traitorously endeavoured to alter and subvert God's true religion by law established in this realm, and instead thereof to set up Popish superstition and idolatry. And to that end hath declared and maintained in speeches and printed books, divers Popish doctrines and opinions, contrary to the Articles of Religion established. He hath urged and enjoined divers Popish and superstitious ceremonies, without any warrant of law; and hath cruelly persecuted those who have opposed the same, by corporal punishment and imprisonment; and most unjustly vexed others who refused to conform thereunto, by ecclesiastical censures of excommunication, suspension, deprivation, and degradation, contrary to the law of this kingdom* [1].

THE TENTH DAY OF MY HEARING.

This day, May 20, Mr. Sergeant Wild undertook the business against me. And at his entrance he made a speech, being now to charge me with matter of religion. In this speech he spake of a tide which came not in all at once. And so he said it was in the intended alteration of religion. First a connivance, then a toleration, then a subversion. Nor this, nor that. But a tide it seems he will have of religion. (161) And I pray God His truth (the true Protestant religion here established) sink not to so low an ebb, that men may with ease wade over to that side, which this gentleman seems most Maii 20, 1644. Monday. Die Decimo.

[1] ['*That he hath . . . kingdom.*' on opposite page.]

ie to hate. He fears both 'ceremonies and doctrine.' But in
ecimo. both he fears where no fear is; which I hope shall appear. He was pleased to begin with 'ceremonies.'

I. In this he charged, first, 'my chapel at Lambeth, and innovation in ceremonies there.'

(1.) The first witness for this was Dr. Featly [a]; he says, 'there were alterations since my predecessor's time.' And I say so too, or else my chapel must lie more undecently than is fit to express. He says, 'I turned the table north and south.' The injunction says it shall be so [b]. And then the innovation was theirs in going from, not mine in returning to that way of placing it. "Here Mr. Browne, in his last reply in the House of Commons, said, that I cut the injunction short, because in the words immediately following, 'tis ordered, 'that this place of standing shall be altered when the communion is administered.' But first, the charge against me is only about the place of it: of which that injunction is so careful, that it commands, 'that when the communion is done, it be placed where it stood before.' Secondly, it was never charged against me, that I did not remove it at the time of communion; nor doth the reason expressed in the injunction require it; 'which is when the number of communicants is great, and that the minister may be the better heard of them.' Neither of which was necessary in my chapel, where my number was not great, and all might easily hear."

(2.) The second thing which Dr. Featly said, was in downright terms, 'that the chapel lay nastily, all the time he served in that house.' Was it one of my faults, too, to cleanse it?

(3.) Thirdly, he says, 'the windows were not made up with coloured glass, till my time.' The truth is, they were all shameful to look on, all diversely patched, like a poor beggar's coat. Had they had all white glass, I had not stirred them. And for the crucifix, he confesses it was standing in my predecessor's time, though a little broken: so I did but mend it,

[a] [Dr. Daniel Featley, or Fairclough, originally a chorister of Magdalen College, afterwards Scholar and Fellow of Corpus Christi College, Oxford. He became chaplain to Abp. Abbot about 1614, and left his service in 1625. His nephew, John Featley, gives a curious account of the circumstances of his dismissal. See Wood, Ath. Ox. iii. 158, where mention is also made of his other preferments.]

[b] Injunct. of Q. Eliz. fine. [Wilkins' Conc. tom. iv. p. 188.]

I did not set it up (as was urged against me). "And it was utterly mistaken by Mr. Brown [c], that I did repair the story of those windows, by their like in the Mass-book. No, but I, and my secretary, made out the story, as well as we could, by the remains that were unbroken. Nor was any proof at all offered, that I did it by the pictures in the Mass-book; but only Mr. Pryn testified, that such pictures were there: whereas this argument is of no consequence; There are such pictures in the Missal; therefore I repaired my windows by them. The windows contain the whole story from the creation to the day of judgment: three lights in a window: the two side-lights contain the types in the Old Testament, and the middle light the antitype and verity of Christ in the New: and I believe the types are not in the pictures in the Missal. In the meantime, I know no crime or superstition in this history: and though Calvin do not approve images in churches, yet he doth approve very well of them which contain a history; and says plainly, that these have their use *in docendo et admonendo*, in teaching and admonishing the people [d]: and if they have that use, why they may not instruct in the Church, as well as out, I know not. Nor do the Homilies [e] in this particular differ much from Calvin." Die Decimo.

But here the statute of Ed. VI. was charged against me, 'which requires the destruction of all images, as well in glass-windows, as elsewhere [f].' "And this was also earnestly pressed by Mr. Brown, when he repeated the sum of the charge against me in the House of Commons." To which I answered at both times: First, that the statute of Ed. VI. spake of other images; and that images in glass-windows were neither mentioned nor meant in that law: the words of the statute are, 'Any images of stone, timber, alabaster, or earth; graven, carved, or painted, taken out of any church, &c., shall be destroyed,' &c., and not reserved to any superstitious use. So here's not a word of glass-windows, nor the images that are in them. Secondly, that the contemporary practice (which is one of the best expounders of the meaning of any law) did neither destroy all coloured windows, though images were in

[c] In his reply.
[d] Calv. i. Instit. c. 11. § 12. [Op., tom. ix. p. 22.]
[e] Hom. of Idol. par. ii. tom. ii. p. 27. fine. [pp. 166, 167. Oxf. 1814.]
[f] 3 and 4 Ed. VI. c. 10. [§ 2.]

1637. them in the Queen's time, nor abstain from setting up of new, with in her and King James his time. And as the body of this statute is utterly mistaken, so is the penalty too; which for the first and second offence is but a small fine; and but imprisonment at the King's will for the third.' "A great way short of punishment for treason. And I could not but wonder that Mr. Brown should be so earnest in this point, considering he is of Lincoln's Inn, where Mr. Pryn's seal hath not yet beaten down the images of the Apostles in the fair windows of that chapel: which windows also were set up new long since that statute of Edward VI.[g] And 'tis well known that I was once resolved to have returned this upon Mr. Brown in the House of Commons, but changed my mind, lest thereby I might have set some furious spirit on work to destroy those harmless, goodly windows; to the just dislike of that worthy Society."

But to the statute Mr. Brown added, 'that the destruction of all images, as well in windows, as elsewhere, were condemned[h] by the Homilies of the Church of England, and those Homilies confirmed in the Articles of Religion[i], and the Articles by Act of Parliament.' This was also urged before; and my answer was, first, that though we subscribed generally to the doctrine of the Homilies, as good; yet we did not express, or mean thereby to justify and maintain every particular phrase or sentence contained in them. And, secondly, that the very words of the Article to which we subscribe, are, 'That the Homilies do contain a godly and a wholesome doctrine, and necessary for those times.' Godly, and wholesome for all times; but necessary for those, when people were newly weaned from the worship of images: afterwards, neither the danger, nor the scandal alike. "Mr. Brown in his reply said, 'that since the doctrine contained in the Homilies was wholesome and good, it must needs be necessary also for all times.' But this worthy gentleman is herein much mistaken. Strong meat, as well spiritual as bodily, is good and wholesome; but though it be so, yet if it had been 'necessary' at

[g] [See a description of these windows in Winston on Glass Painting, p. 205. The figure of S. John the Baptist was executed at the expense of Attorney-General Noy.]

[h] *l.* 'was commended,' or 'commanded.' [Abp. Sancroft suggests the omission of the words, 'the destruction of.']

[i] Art. 35.

all times, and for all men, the Apostle would never have fed the Corinthians with milk, and not with meat[j]: the meat always good in itself, but not necessary for them which were not able to bear it[l]." Die Decimo.

(4.) The fourth thing which Dr. Featly testifies is, 'that there were bowings at the coming into the chapel, and going up to the communion-table.' "This was usual in Queen Elizabeth's time, and of old, both among Jews, as appears in the story of Hezekiah, 2 Chro. xxix. 28[k], and among Christians, as is evident in Rhenanus his Notes upon Tertullian[l]:" and one of them, which have written against the late canons, confesses it was usual in the Queen's time; but then adds, 'that that was a time of ignorance[m].' What, a time of such a reformation, and yet still a time of ignorance? I pray God the opposite be not a time of profaneness, and all is well. "Mr. Brown, in the sum of his charge given me in the House of Commons, instanced in this also. I answered as before, with this addition, Shall I bow to men in each House of Parliament, and shall I not bow to God in His house, whither I do, or ought to come to worship (162) Him? Surely I must worship God, and bow to Him, though neither altar nor communion-table be in the church."

(5.) 'For organs, candlesticks, a picture of a history at the back of the altar, and copes at communions, and consecrations,' all which Dr. Featly named. First, these things have been in use ever since the Reformation. And secondly, Dr. Featly himself did twice acknowledge that it was in my chapel, as it was at White-Hall; no difference. And it is not to be thought, that Queen Elizabeth and King James would have endured them all their time in their own chapel, had they been introductions for Popery. And for copes, they are allowed at times of communion, by the Canons of the Church[n]. So that these, all or any, are very poor motives, from whence to argue an 'alteration of religion.'

[1] [The last two paragraphs were inserted in the MS. on a separate sheet.]

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[j] 1 Cor. iii. 1, 2.

[k] 2 Chron. xxix. 28.

[l] B. Rhenani Annot. in Tert. de Coron. Mil. p. 40. [Franek. 1597. The words alluded to seem to be, "Quis ferat populum in templum irruentem, ceu in haram sues?"]

[m] Bp. Morton de Missa, lib. vi. cap. 5. [There is an error in this reference, which the Editor is unable to correct.]

[n] Can. Eccles. Ang. 24.

a sima. 2. The second witness against my chapel was Sir Nath. Brent. But he says not so much as Dr. Featly; and in what he doth say he agrees with him, saving that he cannot say whether the picture in the back of the communion-table were not there before my time.

3. The third witness for this charge, was one Mr. Boreman[o], who came into my chapel at prayers time, when I had some new place to consecrate for use at the communion; and I think it was brought to me for that end by Dr. Featly. This man says, first, 'he then saw me bow, and wear a cope.' That's answered. Secondly, 'that he saw me consecrate some place: that in that consecration, I used some part of Solomon's prayer at the dedication of the temple; and that in my prayer I did desire God to accept those vessels.' No fault in any of the three. For in all ages of the Church, especially since Constantine's time, that religion hath had public allowance, there have been consecrations of sacred vessels, as well as of churches themselves. And these inanimate things are holy, in that they are deputed and dedicated to the service of God[p]. And we are said 'to minister about holy things[q],' 1 Cor. ix. And 'the altar' is said 'to sanctify the gift[r],' S. Matt. xxiii., which it could not do, if itself were not holy. So then, if there be no dedication of these things to God, no separation of them from common use, there's neither 'thing' nor 'place' holy. And then no 'sacrilege;' no difference between churches and common houses; between 'holy-tables' (so the injunction calls them) and ordinary tables[s]. But I would have no man deceive himself; sacrilege is a grievous sin, and was severely punished even among the Heathen. And S. Paul's question puts it home, would we consider of it, 'Thou which abhorrest idols, committest thou sacrilege[t]?' Rom. ii. Thou which abhorrest idols to the very defacing of church windows, dost thou, thou of all other, commit sacrilege, which the very wor-

[o] [The evidence of Samuel Bordman is given in full by Prynne, Cant. Doom, p. 65. A Samuel Bourman was instituted, July 20, 1641, to the Rectory of S. Magnus, (Newc. Repert. vol. i. p. 399;) and as he retained his living through the whole of the Rebellion, he was probably the same person.]

[p] [S.] Tho. [Aquin. Summ. Theol.] p. iii. q. lxiii. A. 6. Ad secundum.

[q] 1 Cor. ix. 13.

[r] S. Matt. xxiii. 19.

[s] Injunct. of Q. Eliz. in fine. [Wilkins' Conc. tom. iv. p. 188.]

[t] Rom. ii. 22.

shippers of idols punished? And this being so, I hope my use of a part of Solomon's prayer, or the words of my own prayer, ('that God would be pleased to accept them,') shall not be reputed faults. Die Decimo.

But here stepped in Mr. Pryn, and said, 'This was according to the form in *Missali Parvo*.' But 'tis well known I borrowed nothing thence. All that I used was according to the copy of the late Reverend Bishop of Winchester, Bp. Andrews, which I have by me to be seen[u], and which himself used all his time [1].

Then from my chapel, he went to my study. 1. And there the first charge was, 'that I had a Bible with the five wounds of Christ fair upon the cover of it.' This was curiously wrought in needlework. The Bible was so sent me by a lady, and she a Protestant; I was loth to deface the work; but the Bible I kept in my study from any man's hand or eye, that might take offence at it. "Mr. Brown touched upon this, and my answer was the same, saving that I mentioned not the lady [2]. 2. Secondly, 'that I had in my study a Missal, and divers other books belonging to the Roman Liturgy.'" My Lords, 'tis true, I had many; but I had more of the Greek Liturgies than the Roman. And I had as many of both as I could get. And I would know, how we shall answer their errors, if we may not have their books? I had Liturgies, all I could get, both ancient and modern. I had also the Alcoran in divers copies. If this be an argument, why do they not accuse me to be a Turk? 3. Thirdly, to this charge was added my 'Private Prayer-book, which Mr. Pryn had taken from me in his search.' Where first I observed, That the secrets between God and my soul, were brought to be divulged in open court. "*Nihil gravius dicam.* But see whether it can be paralleled in Heathenism." But what Popery was found in these (163) prayers? 1. Why, first they said, 'my prayers were in canonical hours, *hora sexta, et hora nona, &c.*' I enjoined myself several hours of prayer; that, I hope, is no sin. And II.

[1] ['and which . . . time.' in margin.]
[2] ['Mr. Brown . . . lady.' on opposite page.]

[u] [See Bp. Andrewes's Form for Consecrating Church Plate, in his Minor Works, p. 159. Oxf. 1853.]

Die Decimo. if some of them were Church hours, that 's no sin neither: 'Seven times a day will I praise thee[x],' was the Prophet David's, long before any canonical hours. And among Christians they were in use before Popery got any head. God grant this may be my greatest sin[1]. 2. Secondly, 'the prayer which I made at the consecration of the chapel at Hammersmith[y].' I desired that might be read, or any other. No offence found. 3. Thirdly, the word '*prostratus*, in my Private Devotions, before I came to the Eucharist[z].' If I did so to God, what 's that to any man? But, I pray, in all this curious search, ("and Mr. Pryn here, and all along, spared no pains,") why were no[2] prayers to the B. Virgin and the Saints found, if I were so swallowed up in Popery?

III. From my study, he went on to my gallery. The Sergeant would find out Popery ere he had done. Thence I was charged with three pictures. 1. 'The first of them was a fair picture of the four Fathers of the Western Church: S. Ambrose, S. Jerom, S. Augustine, and S. Gregory.' It was as lawful to have this picture as the picture of any other men. 'Yea; but there was a dove pictured over them, and that stood for the Holy Ghost.' That 's more than any witness did, or durst depose. 2. The second was, 'the *Ecce Homo*, as Pilate brought Christ forth, and showed Him to the Jews.' This picture is common, and I yet know no hurt of it, so it be not worshipped. And that I detest as much as any man, and have written as much against it as any Protestant hath: and it was then read in part[a]. And for both these pictures I answered further out of Calvin[b]; That it is lawful to make, and have the picture of any things *quorum sint capaces oculi*, which may be seen. Now the dove was visible and seen. S. John i.[c] That 's for the first picture. And for the second, the *Ecce Homo*; why did Pilate say *Ecce*, but that the 31 Jews might and did see Him? S. Joh. xix.[d] So both pictures lawful by the rule laid down by Calvin.

[1] ['God grant . . . sin.' in margin.]
[2] ['why were no' originally 'were no']

[x] Psal. cxix. [164.]
[y] [See Works, vol. iii. p. 96.]
[z] [Ibid. p. 74.]
[a] [Cont. Fisher, § 33. p. 279. [Edit. 1639; pp. 310—312, Oxf. 1849.]
[b] Lib. i. Inst. cap. 11. § 12. [Op., tom. ix. p. 22.]
[c] S. John i. 32, 33.
[d] S. John xix. 5.

"Mr. Brown charged against both these pictures very warmly. And when I had answered as before, in his reply he fell upon my answer; and said it was in the Homilies (but either he quoted not the place, or I else slipped it), 'That every picture of Christ was a lie, because whole Christ cannot be pictured.' But by this argument it is unlawful to picture any man: for the whole man cannot be pictured. Who ever drew a picture of the soul? And yet who so simple as to say the picture of a man is a lie? Besides, the *Ecce Homo* is a picture of the humanity of Christ only, which may as lawfully be drawn as any other man. And it may be I may give further answer, when I see the place in the Homilies." Die Decimo.

3. The third picture found in my gallery, I marvel why it was produced. For it relates to that of our Saviour, S. John x., where He says, 'that the shepherd enters into the sheepfold by the door, but they which climb up to enter another way, are thieves and robbers[e].' And in that picture the Pope and the friars are climbing up to get in at the windows. So 'tis as directly against Popery as can be. Besides, it was witnessed before the Lords by Mr. Walter Dobson, an ancient servant, both to Archbishop Bancroft and Abbot, that both the *Ecce Homo* and this picture were in the gallery when he came first to Lambeth-House, which was about forty years since. So it was not brought thither by me to countenance Popery[f]. And I hope your Lps. do not think me such a fool, if I had an intention to alter religion, I would hang the profession of it openly in my gallery, thereby to bring present danger upon myself, and destroy the work which themselves say I intended cunningly. And if there be any error in having and keeping such pictures, yet that is no sufficient proof, that I had any intention to alter the religion established, which I desire may be taken notice of once for all.

From my gallery the Sergeant crossed the water to White-Hall (and sure in haste, for at that time he took no leave of IV.

[e] S. John x. 1, 2.

[f] All these pictures were placed in the gallery by Cardinal Pole, when he built it, and continue there still, having not been defaced by the godly party in the time of the Rebellion, as were the windows of the chapel, and the chapel itself converted to a dancing-room by them, having first beat down Archbishop Parker's tomb in the middle of it, and cast his bones upon the dunghill.—H. W.

Captain Guest[g], or his wife, before he left Lambeth). At the Court he met Sir Henr. Mildmay[h]. This (164) knight being produced by him against me, says, 'that in my time bowings were constantly used in the chapel there.' 1. But first, Dr. Featly told your Lps., there was nothing in my chapel but as it was in use at White-Hall. So all the Popery I could bring, was there before. And secondly, If bowing to God in His own house be not amiss, (as how it should I yet know not,) then there can be no fault in the constant doing of it: *Quod semel fecisse bonum est, non potest malum esse si frequenter fiat*[i]. So St. Jerome teaches. Thirdly, I am very sorry, that any reverence to God, in His house, and in the time of His worship, should be thought too much. I am sure the Homilies, so often pressed against me, cry out against the neglect of reverence in the church[k]. This passage was read, and by this it seems, the devil's cunning was, so soon as he saw superstition thrust out of this Church, 311 to bring irreverence and profaneness in. "Here Mr. Browne having pressed this charge, replies upon me in his last, 'that I would admit no mean, but either there must be superstition or profaneness;' whereas my words can infer no such thing. I said this was the devil's practice. I would have brought in the mean between them, and preserved it too, by God's blessing, had I been let alone."

2. Sir Henry says next, 'that he knew of no bowings in that chapel before my time, but by the Right Honourable the Knights of the Garter at their solemnity.' No time else? Did he never see the King his M. offer before my time? Or did he ever see him offer, or the Ld. Chamberlain attend him there, without bowing and kneeling too? And for the Knights of the Garter, if they might do it without superstition, I hope I and other men might do so too. Especially since they were ordered by Hen. V. to do it with great reverence, *ad modum sacerdotum*[l]. Which proves the antiquity of this ceremony in England.

[g] [Guest was then in charge of Lambeth. See Diary, May 9, 1643, Works, vol. iii. p. 251.]

[h] [See Sir Henry Mildmay's evidence at length in Prynne's Cant. Doom, p. 67.]

[i] S. Hieron. adversus Vigilantium. [Sect. 10. Op., tom. ii. col. 396 D.]

[k] Tom. ii. Hom. i. Princip. [i.e. The Homily of the Right Use of the Church.]

[l] In Registro Windesoriensi, p. 65. 'Tis commonly called the Black Book. [The origin of this order of Henry V.

3. He further says, 'there was a fair crucifix in a piece of hangings hung up behind the altar, which he thinks was not used before my time.' But that 'he thinks so' is no proof. 4. He says, 'this fair piece was hanged up in the Passion Week, as they call it.' As they call it? Which they? Will he shut out himself from the Passion Week? All Christians have called it so for above a thousand years together[m]; and is that become an innovation too? As they call it. 5. He says, 'The hanging up of this piece was a great scandal to men but indifferently affected to religion.' Here I humbly crave leave to observe some few particulars: 1. First, that here's no proof so much as offered, that the piece was hung up by me or my command. 2. Secondly, that this gentleman came often to me to Lambeth, and professed much love to me, yet was never the man that told me his conscience, or any man's else, was troubled at it; which had he done, that should have been a scandal to no man. 3. Thirdly, that if this were scandalous to any, it must be offensive in regard of the workmanship; or *quatenus tale*, as it was a crucifix. Not in regard of the work certainly, for that was very exact. And then if it were because it was a crucifix, why did not the old one offend Sir Henry's conscience as much as the new? For the piece of hangings which hung constantly all the year at the back of the altar, thirty years together upon my own knowledge, and somewhat above, long before, (as I offered proof by the vestry men,) and so all the time of Sir Henry's being in court, had[1] a crucifix wrought in it, and yet his conscience never troubled at it. 4. Fourthly, that he could not possibly think that I intended any Popery in it, considering how hateful he knew me to be at Rome, beyond any my predecessors since the Reformation. For so he protested at his return from thence to myself. And I humbly desire a

Die Decimo.

[1] ['and so . . . had' in margin. Originally 'there was']

is given by the Archbishop in his speech at the censure of Bastwick, p. 79 in marg. (Works, vol. vi.) Heylin mentions (Hist. of the Reformation, pp. 123, 124) that Queen Elizabeth retained the ancient ceremonies observed by the Knights of the Garter in their adoration towards the altar, which were abolished by King Edward VI., and revived by Queen Mary. It appears, also, from the account of the ceremonies observed at the Installation of the Duke of Cumberland, in 1730, that these ceremonies were still observed at that time. See Hierurg. Angl. pp. 51, 60—62.]

[m] Et observabatur ab omnibus. Vedelius (and he no way superstitious) in Igna. Epistola ad Philip. Exercit. [§] xvi. cap. 3. [p. 64. Genev. 1623.]

Sir Dudley. [illegible], that I may have him called to witness it. Which was granted.

When they had charged me thus far, there came up a message from the House of Commons. I was commanded to withdraw. But that business requiring more haste, I was dismissed with a command to attend again on Wednesday, May 22. But then I was put off again to Monday, May 27. And after much pressing for some 165 maintenance, considering how oft I was made attend, and with no small expense, on May 25, I had an order from the Committee of Sequestrations, to have two hundred pound allowed me out of my own now sequestered estate. It was a month before I could receive this. And this was all that ever was yet allowed me, since the sequestration of my estate, being then of above two years' continuance.

Mai 22.
Mai 27.
Mai 25.

CAP. XXXIII.

THE ELEVENTH DAY OF MY HEARING.

THIS day Mr. Sergeant Wilde followed the charge upon me. And went back again to my chapel windows at Lambeth. Three witnesses against them. 1. The first was one Pember, a glazier. He says, 'there was in one of the glass windows on the north side, the picture of an old man with a glory, which he thinks was of God the Father.' But his thinking so is no proof. Nor doth he express in which of the north windows he saw it. And for the glory, that is usual about the head of every saint. 2. And Mr. Brown, who was the second witness, and was trusted by me for all the work of the windows, both at Lambeth and [1] Croydon, says expressly upon his oath, that there was no picture of God the Father in the windows at Lambeth. But he says, 'he found a picture of God the Father in a window at Croydon, and Archbp. Cranmer's arms under it, and that he pulled it down.' So it appears this picture was there before my time; and continued there in so zealous an Archbishop's time as Cranmer [a] was well known to be, and it was pulled down in my time. Neither did I know till now, that ever such a picture was there; and the witness deposes, 'he never made me acquainted with it.' 3. The third witness was Mr. Pryn. He says, 'he had taken a survey of the windows at Lambeth.' And I doubt not his diligence. He repeated the story in each window. I have told this before, and shall not repeat it [b]. He says, 'the pictures of these stories are in the Mass-book.' If it be so, yet they were not taken thence by me. Archbishop Morton [c] did that work, as appears by his device in the windows. He says, 'the story of the day

I. Maii 27, 1644. Monday. Die Undecimo.

[1] ['at Lambeth and' originally 'at home and']

[a] [Abp. of Cant. 1533—1555.]
[b] [See above, p. 199.]
[c] [Abp. of Cant. 1486—1500.]

ie ndecimo. of judgment was in a window *in atrio*, that must not come into the chapel.' Good Ld., whither will malice carry a man? The story opposite is of the creation; and what, must not that come into the chapel neither? The chapel is divided into an inner and outer chapel. In this outward the two windows mentioned are. And the partition or screen of the chapel, which makes it two, was just in the same place where now it stands, from the very building of the chapel, for aught can be proved to the contrary. So neither I nor any man else did shut out[1] the day of judgment. He says, 'I had read the Mass-book diligently.' How else should I be able really to confute what is amiss in it? He says, 'I had also a book of pictures concerning the life of Christ in my study[d].' And it was fit for me to have it. For some 31 things are to be seen in their pictures for the people, which their writings do not, perhaps dare not, avow[2].

II. The second charge of this day, was about the administration of the Sacrament in my chapel. The witnesses two.

1. The first was Dr. Haywood[e], who had been my chaplain in the house. They had got from others the ceremonies there used, and then brought him upon oath. 'He confessed he administered in a cope.' And the Canon warranted it[f]. He confesses, (as it was urged,) 'that he fetched the elements from the credential (a little side-table as they called it), and set them reverently upon the communion-table.' Where's the offence? For first, the communion-table was little, and there was hardly room for the elements to stand conveniently there, while the service was in administration. And secondly, I did not this without example; for both Bishop Andrews and some other bishops used it so all their time, and no exception taken[g]. The second witness was Rob. Cornwall[h], one of my menial servants. A very forward

[1] ['neither I . . . out' in margin. Originally, 'the day of judgment I did not shut out, nor any man else.']

[2] ['avow.' orig. written 'deny.']

[d] [The title of the book as given by Prynne (Cant. Doom, p. 66) was, 'Imagines Vitæ, Passionis et Mortis D. N. Jesu Christi.' By Boetius a Bolswert, 1623.]

[e] [William Heywood, Rector of S. Giles-in-the-Fields, and Preb. of Westminster. Articles were exhibited against him in 1641, in which is given an account of his superstitious and idolatrous manner of administering the Lord's Supper. (Wood, Ath. Ox. iii. 634, 635.)]

[f] Can. Eccles. Ang. 24.

[g] [On the use of the Credence-table, see Hickes's Pref. Discourse, sect. v. pp. 128—130.]

[h] [Prynne calls him 'Cordwell.']

witness he showed himself. But said no more than is said and answered before. Both of them confessing that I was sometimes present. Die Undecimo.

III. The third charge was about the ceremonies at the coronation of his Majesty. 1. And first out of my Diary, Feb. 2, 1625, 'tis urged, 'that I carried back the *regalia*, offered them on the altar, and then laid them up in their place of safety[i].' I bare the place at the coronation of the (166) Dean of Westminster[j], and I was to look to all those things, and their safe return into custody, by the place I then executed. And the offering of them could be no offence. For the King himself offers upon solemn days. And the right honourable the Knights of the Garter offer at their solemnity. And the offertory is established by law in the Common Prayer-book of this Church. And the prebendaries assured me it was the custom for the Dean so to do. 2. Secondly, they charged a marginal note in the book upon me: 'That the unction was *in forma crucis*.' That note doth not say that it ought so to be done; but it only relates the practice, what was done. And if any fault were in anointing the King in that form, it was my predecessor's fault, not mine, for he so anointed him. 3. They say, 'there was a crucifix among the *regalia*, and that it stood upon the altar at the coronation, and that I did not except against it[k].' My predecessor executed at that time. And I believe would have excepted against the crucifix had it stood there. But I remember not any there. Yet if there were, if my predecessor approved the standing of it, or were content to connive at it, it would have been made but a scorn had I quarrelled it. 4. They say, 'one of the prayers was taken out of the Pontifical.' And I say, if it were, it was not taken thence by me. And the prayers are the same that were used at King James his coronation. And so the prayer be good (and here's no word in it, that is excepted against), 'tis no matter whence 'tis taken.

5. Then leaving the ceremonies, he charged me with two

[i] [See Works, vol. iii. p. 181.]

[j] [Ibid. p. 178, note [c].]

[k] Heylin affirmeth, that the old crucifix, being found among the *regalia*, was then placed upon the altar. Life of Laud, p. 144. [This crucifix is mentioned among the Regalia, in an Indenture between Bp. Andrewes and Dr. Neile, Dean of Westminster. MSS. Ashmole, Numb. 837. Art. xlii.]

alterations in the body of the King's oath. One added,
sclmo. namely these words, 'agreeable to the King's prerogative.' The other omitted, namely these words, *quæ populus elegerit*, 'which the people have chosen, or shall choose.' For this latter, the clause omitted, that suddenly vanished. For it 319
was omitted in the oath of King James, as is confessed by themselves in the printed votes of this present Parliament[1]. But the other highly insisted on, 'as taking off the total assurance which the subjects have by the oath of their prince for the performance of his laws.' First, I humbly conceive this clause takes off none of the people's assurance; none at all[1]. For the King's just and legal prerogative, and the subject's assurance for liberty and property, may stand well together, and have so stood for hundreds of years. Secondly, that alteration, whatever it be, was not made by me; nor is there any interlining or alteration so much as of a letter found in that book. Thirdly, if anything be amiss therein, my predecessor gave that oath to the King, and not I. I was merely ministerial, both in the preparation, and at the coronation itself, supplying the place of the Dean of Westminster.

After this day's work was ended, it instantly spread all over the city, that I had altered the King's oath at his coronation, and from thence into all parts of the kingdom; as if all must be true which was said at the bar against me, what answer soever I made. The people and some of the Synod now crying out, that this one thing was enough to take away my life. And though this was all that was charged this day concerning this oath, yet seeing how this fire took, I thought fit, the next day that I came to the bar, to desire that the books of the coronation of former kings, especially those of Queen Elizabeth and King James, might be seen and compared, and the copies brought into the court, both from the Exchequer, and such as were in my study at Lambeth: and a fuller inquisition made into the business: in regard I was as innocent from this crime, as when my mother bare me into the world. A *salvo* was entered for me upon this. And

[1] [The words, 'First, because,' here followed in MS., but are erased.]

[1] [Husband's Exact Collection, &c.] p. 706. [Lond. 1643. The document referred to, is the Declaration of the Lords and Commons assembled in Parliament, in reply to his Majesty's answer to the Remonstrance.]

every day that I after came to the bar, I called upon this business. But somewhat or other was still pretended by them which managed the evidence, that I could not get the books to be brought forth, nor anything to be done, till almost the last day of my hearing. Then no books could be found in the Exchequer, nor in my study, but only that of King James; whereas, when the keys were taken from me, there were divers books there, as is confessed in the printed votes of this Parliament[m]: and one of them with a watchet satin cover, now missing. And whether this of King James (had not my secretary, who knew (167) the book, seen it drop out of Mr. Pryn's bag) would not have been concealed too, I cannot tell. At last, the book of King James his coronation, and the other urged against me concerning King Charles, were seen and compared openly in the Lds.' House, and found to be the same oath in both, and no interlining or alteration in the book charged against me. Die Undecimo.

"This business was left by the Sergeant to Mr. Maynard, who made the most that could be out of my Diary against me. And so did Mr. Brown, when he came to give the sum of the charge against me, both before the Lds., and after in the House of Commons. And therefore, for the avoiding of all tedious repetition; and for that the arguments which both used, are the same; and because I hold it not fit to break a charge of this moment into divers pieces, or put them in different places, I will here set down the whole business together, and the answer which I then gave.

"Mr. Brown, in the sum of the charge against me in the Commons-house, when he came to this article, said, 'he was now come to the business so much expected.' And I humbly besought that honourable House, if it were a matter of so great expectation, it might be of as great attention too, while I should follow that worthy gentleman, step after step, and answer as I went.

"1. And first, he went about to prove out of my Diary, that this addition ('of the King's prerogative') to the oath, was made by me[1]. Thus he says, that 'Decemb. 31, 1625, I went to Hampton-Court[n].' That's true. He says, 'that

[1] [The words, 'out of my Diary.' were originally at the end of the sentence.]

[m] P. 706.

[n] [See Works, vol. iii. p. 176.]

there, Januar. 1, I understood I was named with other Bps, decimo. to meet and consider of the ceremonies about the coronation[o]; and that, Januar. 4, we did meet at White-Hall accordingly[p]; and that, Januar. 6, we gave his Majesty an answer[q].' Not I (as 'twas charged), but we, gave his Majesty answer. So if the oath had been changed by me, it must have been known to the committee, and broken forth to my ruin long since. Then he says, 'that Januar. 16, I was appointed to serve at the coronation, in the room of the Dean of Westminster[r].' That's no crime. And 'tis added in the Diary, that this charge was delivered unto me by my predecessor. So he knew that this service to attend at the coronation was imposed upon me. He says next, 'that Januar. 18, the Duke of Buckingham had me to the King, to show his Majesty the notes we had agreed on, if nothing offended him[s].' These were only notes of the ceremonies. And the other bishops sent me, being puny, to give the account. Then he says, 'Januar. 23, it is in my Diary, *Librum habui paratum*, I had a book ready.' And it was time, after such meetings; and the coronation being to follow Feb. 2, and I designed to assist and attend that service, that I should have a book ready[t]. The ceremonies were too long and various to carry them in memory. And whereas 'tis urged, 'that I prepared and altered this book;' the words in my Diary are only, *paratum habui*, I had the book ready for my own use in that service. Nor can *paratum habui*, signify preparing or altering the book. And thirdly, 'tis added there, that the book which I had ready in my hands, did agree *per omnia cum libro regali:* and if it did agree in all things with the King's recorded book then brought out of the Exchequer, where then is the alteration so laboriously sought to be fastened on me? I humbly beseech you to mark this.

"Yet out of these premises put together, Mr. Brown's inference was, 'that I made this alteration of the oath.' But surely these premises, neither single nor together, can produce any such conclusion; but rather the contrary. Beside, inference upon evidence is not evidence, unless it be abso-

[o] [See Works, vol. iii. p. 176.]
[p] [Ibid. p. 177.]
[q] [Ibid. p. 178.]
[r] [Ibid.]
[s] [Ibid. p. 179.]
[t] [Ibid.]

lutely necessary; which all men see that here it is not. But I pray observe[1]. Why was such a sudden stay made at Januar. 23? whereas it appears in my Diary at Januar. 31, that the Bps. were not alone trusted with this coronation business; *sed alii proceres*, 'but other great and noble men also[n].' And they did meet that Januar. 31, and sat in Council about it. So the Bishops' meetings were but preparatory to ease the Lords,—most of the ceremonies being in the church-way. And then can any man think, that these great Lords, when they came to review all that was done, would let the oath be altered by me or any other, so materially, and not check at it? (168) 'Tis impossible. Die Undecimo.

"2. Secondly, this gentleman went on to charge this addition upon me, thus,—'There were found in my study at Lambeth two books of King James his coronation; one of them had this clause or addition in it, and the other had it not[2]; and we cannot tell by which he was crowned; therefore, it must needs be some wilful error in me, to make choice of that book which had this addition in it; or some great mistake.' First, if it were a mistake only, then it is no crime. And wilful error it could not be; for, being named one of them that were to consider of the ceremonies, I went to my predecessor, and desired a book, to see by it what was formerly done. He delivered to me this now in question. I knew not whether he had more or no, nor did I know that any one of them differed from other. Therefore, no wilful error. For I had no choice to make of this book[3] which had the addition, before that which had it not, but thankfully took that which he gave me. But, secondly, if one book of K. James his coronation, in which I could have no hand, had this addition in it, (as is confessed,) then was not this a new addition of my making. And, thirdly, it may easily be seen that K. James was crowned by the book which hath this addition in it, this being in a fair carnation satin cover, the other in paper without a cover, and unfit for a king's hand, especially in such a great and public solemnity.

"3. In the third place he said, 'there were in this book

[1] ['But I pray observe.' in margin. Originally, 'Besides.']
[2] ['and . . . not;' in margin.] [3] ['book' in margin.]

[n] [See Works, vol. iii. p. 180.]

twenty alterations more, and all, or most, in my hand.' Be
p. it so, (for I was never suffered to have the book to consider of,) they are confessed not to be material. The truth is, when we met in the committee, we were fain to mend many slips of the pen, to make sense in some places, and good English in other. And the book being trusted with me, I had reason to do it with my own hand, but openly at the committee all. Yet two things, as matters of some moment, Mr. Brown checked at.

"1. The one was, 'that *confirm* is changed into *perform*.' If it be so, *perform* is the greater and more advantageous to the subject, because it includes execution, which the other word doth not. Nor doth this word hinder, 'but that the laws and liberties are the people's already.' For though they be their own, yet the King, by his place, may and ought to perform the keeping and maintaining of them. I say, 'if it be so,' for I was never suffered to have this book in my hands, thoroughly to peruse. Nor, under favour, do I believe this alteration is so made, as 'tis urged. In the book which I have by me, and was transcribed from the other, it is *confirm*[1].

"2. The other is, 'that the King is said to answer, *I will*, for *I do*.' But when will he? Why, all the days of his life; which is much more than 'I do' for the present. So, if this change be made, 'tis still for the people's advantage. And there also 'tis, 'I do grant[2].' And yet again I say 'if,' for the reason before given. Besides, in all the Latin copies, there is a latitude left for them that are trusted, to add to those interrogatories which are then put to the King any other that is just: in these words, *Adjiciantur prædictis inter-* 8
rogationibus quæ justa fuerint. And such are these two mentioned, if they were made.

"4. Mr. Brown's fourth and last objection was, that I made this alteration of the oath, 'because it agrees,' as he said, 'with my judgment; for that in a paper of Bishop Harsnett's, there is a marginal note in my hand, that *salvo jure coronæ* is understood in the oaths of a king.' But, first,

[1] ['In the . . . confirm.' in margin.]
[2] ['And . . . grant.' in margin. By the side, in the text, are three lines erased.]

there's a great deal of difference between *jus Regis et prærogativa*, between the right and inheritance of the King, and his prerogative, though never so legal. And with submission, and until I shall be convinced herein, I must believe that no King can swear himself out of his native right. Secondly, if this were, and still be, an error in my judgment, that's no argument at all to prove malice in my will: that, because that is my judgment for *jus Regis*, therefore I must thrust *prærogativam Regis*, which (169) is not my judgment, into a public oath which I had no power to alter. These were all the proofs which Mr. Maynard at first, and Mr. Brown at last, brought against me in this particular; and they are all but conjectural, and the conjectures weak. But that I did not alter this oath by adding the prerogative, the proofs I shall bring are pregnant, and some of them necessary. They are these:— Die Undecimo.

"1. My predecessor was one of the grand committee for these ceremonies. That was proved by his servants to the Lords. Now, his known love to the public was such as that he would never have suffered me, or any other, to make such an alteration; nor would he have concealed such a crime in me, loving me so well as he did.

"2. Secondly, 'tis notoriously known, that he crowned the King, and administered the oath, (which was avowed also before the Lords by his ancient servants.) And it cannot be rationally conceived he would ever have administered such an altered oath to his Majesty.

"3. Thirdly, 'tis expressed in my Diary, at Januar. 31, 1625, (and that must be good evidence for me, having been so often produced against me,) that divers great Lords were in this committee for the ceremonies, and did that day sit in council upon them[x]. And can it be thought they would not so much as compare the books? or that, comparing of them, they would endure an oath with such an alteration to be tendered to the King? Especially, since 'tis before confessed[y], that one copy of King James his coronation had this alteration in it, and the other had it not.

"4. Fourthly, 'tis expressed in my Diary, and made use of against me, at Januar. 23, 1625, that this book urged against

[x] [See Works, vol. iii. p. 180.] [y] P. 168 [of original MS. See above, p. 215.]

Die Undecimo. me did agree *per omnia cum libro regali*[z], in all things with the King's book brought out of the Exchequer. And if the book that I then had, and is now insisted upon, did agree with that book which came out of the Exchequer, and that in all things, how is it possible I should make this alteration?

"5. Fifthly, with much labour I got the books to be compared in the Lords' House—that of K. James his coronation, and this of K. Charles; and they were found to agree in all things to a syllable. Therefore, 'tis impossible this should be added by me. And this, I conceive, cuts off all conjectural proofs to the contrary.

"6. Lastly, in the printed book of the votes of this present Parliament[a], it is acknowledged that the oath given to King James and K. Charles was the same. The same: therefore unaltered. And this passage of that book I then showed the Lords in my defence. To this Mr. Maynard then replied, that the votes there mentioned 'were upon the word *elegerit*, and the doubt whether it should be *hath chosen* or *shall choose*.' I might not then answer to the reply, but the answer is plain; for, be the occasion which led on the votes what it will, as long as the oath is acknowledged the same, 'tis manifest it could not be altered by me. And I doubt not but these reasons will give this honourable House satisfaction, that I added not this particular of the prerogative to the oath.

"Mr. Brown, in his last reply, passed over the other arguments, I know not how. But against this he took exception. He brought the book with him, and read the passage; and said (as far as I remember) 'that the votes had relation to the word *choose*, and not to this alteration;' which is in effect the same which Mr. Maynard urged before. I might not reply, by the course of the court; but I have again considered of that passage, and find it plain. Thus, first they say[b], They have considered 'of all the alterations in the form of this oath which they can find;' therefore, of this alteration also, if any such were: then they say, 'Excepting that oath which was taken by his Majesty, and his father, K. James:' there it is confessed that the oath taken by them was one and the same, called there that oath which was taken by

[z] [See Works, vol. iii. p. 179.]
[a] [Husband's Exact Collection,] p. 706.
[b] P. 706.

both. Where falls the exception then? for 'tis said, 'Excepting that oath,' &c. Why, it follows,—'Excepting that the word *choose* is wholly left out, as well *hath chosen* as *will choose*.' Which is a most manifest and evident confession that the oath of King James and Ki. Charles was the same in all (170) things, to the very leaving out of the word *choose*. Therefore, it was the same oath all along; no difference at all. For, *Exceptio firmat regulam in non exceptis*[c]; and here's no exception at all of this clause of the prerogative. Therefore, the oath of both the Kings was the same in that, or else the votes would have been sure to mention it. Where it may be observed too, that Sergeant Wilde, though he knew these votes, and was present both at the debate and the voting, and so must know that the word *choose* was omitted in both the oaths, yet at the first he charged it eagerly upon me, that I had left this clause of choosing out of King Ch. his oath, and added the other. God forgive him. But the world may see by this, and some other passages, with what art my life was sought for. Die Undecimo.

"And yet, before I quite leave this oath, I may say 'tis not altogether improbable that this clause, 'and agreeing to the prerogative of the Kings thereof,' was added to the oath in Edw. VI. or Queen Elizab.'s time: and hath no relation at all to 'the laws of this kingdom,' absolutely mentioned before in the beginning of this oath; but only to the words, 'the profession of the Gospel established in this kingdom:' and then immediately follows, 'and agreeing to the prerogative of the Kings thereof;' by which the King swears to maintain his prerogative, according to God's law, and the Gospel established, against all foreign claims and jurisdictions whatsoever. And if this be the meaning, he that made the alteration, whoever it were, (for I did it not,) deserves thanks for it, and not the reward of a traitor."

IV. Now, to return to the day. The fourth charge went on with the ceremonies still. But Mr. Sergeant was very nimble; for he leaped from the coronation at Westminster to see what I did at Oxford. 1. There the first witness is Sir Nath. Brent[d]; and he says, 'The standing of the com-

[c] [See the Gloss in Clement. lib. v. tit. xi. cap. 1. § Cum autem.]

[d] [See Brent's evidence at large, Prynne, Cant. Doom, p. 71.]

Die Undecimo.

munion-table at S. Mary's was altered.' I have answered to this situation of the communion-table already. And if it be lawful in one place, 'tis in another. For the chapel of Magdalen College[e], and Christ Church quire[f], he confesses he knows of no direction given by me to either: nor doth he know whether I reproved the things there done or no. So all this is no evidence. For the picture of the B. Virgin at S. Mary's door, as I knew nothing of it till it was done, so never did I hear any abuse or dislike of it after it was done[g]. And here Sir Nathaniel confesses, too, that he knows not of any adoration of it, as men passed the streets or otherwise. When this witness came not home, they urged the statute of Merton College[h], or[1] the University[i], where, (if I took my notes right,) they say, 'I enjoined *debitam reverentiam*. And as I know no fault in that injunction, or statute, so neither do I know what due bodily reverence can be given to God in his Church, without some bowing or genuflection.

2. The second witness was Mr. Corbett[k]. He says, 'that when decent reverence was required by my visitors in one of my articles, he gave reasons against it, but Sir Jo. Lambe urged it still.' First, my Lords, if Mr. Corbett's reasons were sufficient, Sir John Lambe was to blame in that; but Sir Jo. Lambe must answer it, and not I. Secondly, it may be observed, that this man, by his own confession, gave reasons (such as they were) against due reverence to God in his own house. He says, that 'Dr. Frewen[l] told him from me, that I wished he should do as others did at St. Mary's, or let another execute his place as Proctor[m].' This is but a hearsay from Dr. Frewen, who being at Oxford, I cannot produce him. And if I had sent such a message, I know no crime in it. He says, 'that after this, he desired he might enjoy in this particular the liberty which the King and the

[1] ['of Merton College, or' in margin.]

[e] [See Wood's History, p. 329.]
[f] [Ibid. p. 462.]
[g] [The porch of S. Mary's Church was rebuilt by Dr. Morgan Owen, Bishop of Llandaff. See History of Chancellorship, Works, vol. v. p. 174.]
[h] § 1. [See Works, vol. v. p. 547.]
[i] [See Corp. Stat. tit. vii. sect. i. § 11.]
[k] [See Corbet's evidence in full, Prynne's Cant. Doom, p. 71.]
[l] [President of Magd. Coll. He was Vice-Chancellor at the time.]
[m] [See History of Chancellorship, Works, vol. v. p. 204.]

Church of England gave him[n]'. He did so: and from that day he heard no more of it, but enjoyed the liberty which he asked. He says, 'Mr. Channell[o] desired the same liberty, as well (171) as he.' And Mr. Channell had it granted, as well as he. He confesses ingenuously, that the bowing required was only 'toward,' not 'to' the altar. And, 'To the picture at St. Mary's door,' he says, he never heard of any reverence done to it; and doth 'believe that all that was done at Christ Church was since my time[p].' But it must be his knowledge, not his belief, that must make an evidence. Die Undecimo.

3. The third witness, was one Mr. Bendye[q]. He says, 'There was a crucifix in Lincoln College Chapel since my time.' If there be, 'tis more than I know. My Ld. of York that now is, when he was Bp. of Lincoln, worthily bestowed much cost upon that chapel; and if he did set up a crucifix, I think it was before I had aught to do there[r]. He says, 'there was bowing at the name of Jesus.' And God forbid but there should; and the Canon[s] of the Church requires it. He says, 'there were Latin prayers in Lent, but he knows not who enjoined it.' And then he might have held his peace. But there were Latin sermons and prayers on Ash-Wednesday, when few came to church, but the Lent proceeders, who understood them[t]. And in divers colleges they have their morning prayers in Latin, and had so, long before I knew the University[u]. The last thing he says, was, 'that there were copes used in some colleges, and that a traveller should say, upon the sight of them, that he saw just such a thing upon the Pope's back.' This wise man might have said as much of a gown: He saw a gown on the Pope's back; therefore a Protestant may not wear one: or, entering into S. Paul's, he may cry, Down with it; for I saw the Pope in just such another church in Rome.

[n] [See Corbet's petition, ibid. p. 205.]

[o] *l.* Cheynell. [See ibid. note [n].]

[p] And the third witness agrees in this.

[q] [See Bendy's evidence on this point in Prynne's Cant. Doom, p. 71. Bendy was employed together with Prynne to search the Archbishop's study. (Ibid. p. 66.)]

[r] [Lincoln College Chapel was rebuilt at the charge of Bp. Williams, and consecrated by Bp. Corbet, in 1631.]

[s] Can. 18.

[t] [See Corp. Statut. tit. vi. sect. ii. § 5.]

[u] [See Queen Elizabeth's Letters Patent for translating the Prayer-Book into Latin. Wilkins' Conc. tom. iv. p. 217.]

Die Undecimo.

4. Then was urged the conclusion of a letter of mine sent to that University. The words were to this effect, 'I desire you to remember me a sinner, *quoties coram altare Dei procidatis*[v].' The charge lay upon the word *procidatis*; which is no more, than that when they there fall on their knees, or prostrate[1] to prayer, they would remember me[2]. In which desire of mine, or expression of it, I can yet see no offence. No, nor in *coram altare*, their solemnest time of prayer being at the Communion. "Here Mr. Brown aggravated the things done in that University: and fell upon the titles given me in some letters from thence; but because I have answered those titles already, I refer the reader thither[w], and shall not make here any tedious repetition. Only this I shall add, that in the civil law 'tis frequent to be seen, that not bishops only one to another, but the great emperors of the world have commonly given that title of *sanctitas vestra*, to bishops of meaner place than myself; to say no more. But here Mr. Brown, in his last reply, was pleased to say, 'This title was not given to any bishop of England[x].' First, if I had my books about me, perhaps this might be refuted. Secondly, why should so grave a man as he so much disparage his own nation? Is it impossible (be my unworthiness what it will) for an English Bp. to deserve as good a title as another? Thirdly, be that as it may, if it were (as certainly it was) lawfully given to other Bps., though they not English, then is it neither 'blasphemy,' nor 'assumption of Papal power,' as was charged upon it[3]."

V. From Oxford Mr. Sergeant went to Cambridge. And I must be guilty, if aught were amiss there too. For this fifth charge were produced three witnesses: Mr. Wallis[y], Mr. Greece[z], and Mr. Seaman[a]. Their testimonies agreed

[1] ['or prostrate' in margin.]
[2] ['they would remember me.' on opposite page.]
[3] ['Here Mr. Brown . . . it.' on opposite page.]

[v] [See Abp. Laud's Letter to the University, June 28, 1639. History of Chancellorship, Works, vol. v. p. 227.]
[w] [See above, pp. 157—159.]
[x] [See above, p. 159.]
[y] [See his evidence in Prynne's Cant. Doom, p. 73.]
[z] [Prynne terms him Nicholas le Greise. See his evidence, ibid. p. 74. He was elected Scholar of S. John's College, Oxford, in 1635. (Wilson, Merch. Tailors' School, p. 1195.)]
[a] [Lazarus Seaman, afterwards Master of Peter House. See his evidence, Prynne, Cant. Doom, p. 74.]

very near; so I will answer them together. First, they say, Die Undecimo.
'That at Peter-House there were copes and candlesticks,
6 and pictures in the glass windows; and the like.' But these things I have often answered already, and shall not repeat. They say, 'the chief authors of these things were Dr. Wren [b] and Dr. Cosens [c].' They are both living, why are they not called to answer their own acts? For here 's yet no show of proof to bring anything home to me. For no one of them says, that I gave direction for any of these. No, (says Mr. Sergeant,) but 'why did I tolerate them?' First, no man complained to me. Secondly, I was not Chancellor, and endured no small envy for any little thing that I had occasion to look upon in that place. And thirdly, this was not the least cause, why I followed my right for power to visit there [d]. And though that power was confirmed to me, yet the times have been such as that I did not then think fit to use it. It would have but heaped more envy on me, who bare too much already. "As for Mr. Greece, who hath laboured much against me in all this business, God forgive him; and while he inherits his father's ill affections to me, God preserve him from his father's end [e]."

From Cambridge he went to the cathedrals, and first to VI.
Canterbury. Here the charge is, 'bowing *versus altare*;' the two witnesses, two prebendaries of that church, Dr. Jackson [f], and Dr. Blechenden [g]. And first, Dr. Jackson says, the 'bowing was *versus altare*:' so not, 'to,' but 'toward' the altar: and Dr. Blechenden says, 'it was the adoration of the high majesty of God, to whom, if no altar were there, I should bow.' Dr. Jackson says, 'this bowing was to his grief.' Strange! I avow to your Lps. and the world, no man did so much approve all my proceedings in that church as he; and for this particular, he never found the least fault with it (172) to me; and if he conceal his grief, I cannot ease it. He says, 'this bowing was not in use till within this six or

[b] [Dr. Matthew Wren, admitted Master, July 26, 1625, afterwards successively Bishop of Hereford, Norwich, and Ely.]

[c] [Dr. John Cosin, admitted Master, Feb. 8, 163⅔; ejected by the Parliamentary Commissioners, March 13, 164⅔; Dean of Peterborough, Nov. 7, 1640; after the Restoration, Bishop of Durham.]

[d] [See above, p. 193, note [k].]

[e] [See above, p. 48, note [s].]

[f] [Thomas Jackson, Prebendary of the third Stall, Rector of Ivy Church, and Minister of Wye in Kent; died Nov. 1646.]

[g] [Thomas Blechinden, Prebendary of the second Stall.]

Die Undecimo

seven years.' Sure the old man's memory fails him. For Dr. Blechenden says, 'the communion-table was railed about, and bowings before it, when he came first to be a member of that church; and saith, upon his oath, that's above ten years ago. And that it was practised before their new statutes were made: and that in those statutes no punishment is inflicted for the breach, or not performance of this reverence.' I could tell your Lps. how often Dr. Jackson hath shifted his opinions in religion, but that they tell me their witnesses must not be scandalized. As for the statutes, my secretary, Mr. Dell, who copied them out, testified here to the Lords, that I left out divers superstitions which were in the old book, and ordained many sermons in their rooms [k].

The next cathedral he instanced in was Winchester [l]. But there's nothing but the old objections, copes. And the wearing of them is warranted by the Canon [k]; and 'reverence at coming in, and going out of the church.' And that, great kings have not in better ages thought much to do. And they did well to instance in the College of Winchester as well as the church; for 'tis confessed, the injunction sent thither requires, that 'the reverence used be such as is not dissonant from the Church of England [l].' So, this may be a comment to the other injunctions [l]. "But for the copes in cathedrals, Mr. Brown in his last reply was not satisfied. For he said, 'the Canon mentioned but the wearing of one cope.' Be it so: but they must have that before they can 33
wear it. And if the Canon enjoin the wearing of one, my injunction might require the providing and using of one. Besides, if there be no Popery, no introduction to superstition in the having or using of one; then certainly, there can be none in the having of more for the same use: the superstition being lodged in the misuse, not in the number."

VII. From the cathedrals, Mr. Sergeant went to view some

[1] [The Archbishop originally meant here to go on to the seventh charge, without adding Mr. Brown's reply, for he begins the seventh charge, and erases it.]

[k] [The Statutes of Canterbury Cathedral are printed in full in vol. v. pp. 506 seq.]

[l] [See the Injunctions to Winchester Cathedral, ibid. pp. 478, 479.]

[k] Can. 24.

[l] [See the Injunctions to Winchester College, Works, vol. v. p. 496.]

parish churches. And first, 'tis charged, 'that in a parish church at Winchester, two seats were removed to make way for railing in of the communion-table [m].' But for aught I know, this might have been concealed. For it was liked so well, that they to whom the seats belonged, removed them at their own charges, that the other might be done. Die Undecimo.

The next instance was in S. Gregory's Church, by S. Paul's [n]. The charge was, 'the placing of the communion-table altar-wise.' To the charge itself answer is given before. The particulars which are new are these: The witness Mr. Wyan. He says, 'the order for such placing of the table was from the Dean and Chapter of S. Paul's.' And S. Gregory's is in their peculiar jurisdiction. So the holy-table was there placed by the ordinary, not by me. He says next, 'That the parishioners appealed to the Arches, but received an order to command them and the cause to the Council-board: that it was a full Board when the cause was heard, and his Majesty present: and that there I maintained the Queen's injunction, about placing the communion-table [o].' In all this, here 's nothing charged upon me, but maintenance of the injunction; and I had been much to blame if I should not have maintained it. He says, 'Sir Henr. Martin came and saw it, and said it would make a good Court cupboard.' If Sir Henry did say so, the scorn ill became either his age or profession; though a 'Court cupboard' be somewhat a better phrase than a 'dresser.' God forgive them who have in print called it so. He says, 'That hereupon I did say, that he which spake that, had a stigmatical Puritan in his bosom.' This man's memory serves him long for words: this was many years since; and if I did speak anything sounding this way, 'tis more like I should say 'schismatical,' than 'stigmatical Puritan.' But let him look to his oath; and which word soever I used, if Sir Henry used the one, he might well hear the other. For a profane speech it was, and little becoming a Dean of the Arches. He says, 'that soon after this, Sir Henr. was put out of his place.' Not very

[m] [This was S. Maurice's Church. See Prynne's Cant. Doom, p. 91.]

[n] [See the order for placing the communion-table in S. Gregory's Church, in Prynne's Cant. Doom, p. 88; and Rushworth's Collections, vol. ii. p. 207.]

[o] Q. Eliz. Injunct. fine. [Wilkins' Conc. tom. iv. p. 188.]

Die Undecimo. soon after this; (173) for I was at the time of this business (as far as I remember) Bishop of London, and had nothing to do with the disposing of his place. After, when I came to be Archbishop, I found his patent was void, neither could Sir Henry himself deny it. And being void, and in my gift, I gave it to another [p].

He says further, 'that it was urged that this way of placing the communion-table was against the word of God, in Bp. Jewel, and Mr. Fox his judgment; and that I replied, it were better they should not have these books in churches, than so to abuse them [q].' First, for aught I yet know (and in these straits of time the books I cannot come at), their judgment, rightly understood, is not so. Secondly, though these two were very worthy men in their time, yet everything which they say is not by and by 'the doctrine of the Church of England.' And I may upon good reason depart from their judgment in some particulars, and yet not differ from the Church of England. As in this very particular, the injunction for placing of the table so, is the act of the Queen and the Church of England. And I conceive the Queen, then upon the act of reformation, would not have enjoined it, nor the Church obeyed it, had it been against the word of God. Thirdly, if I did say, 'that if they could make no better use of Jewel and the Book of Martyrs, it were better they had them not in the churches;' they gave too great occasion for the speech: for they had picked divers things out of those books which they could not master, and with them distempered both themselves and their neighbours. And yet in hope other more modest men might make better use of them, I never gave counsel to have those books removed, (nor is that so much as charged,) but said only thus, That if no better use would be made of them, then that last remedy; but never till then. "This last passage Mr. Brown insisted upon: 'The taking of good books from the people.' But as I have answered, there was no such

[p] [Sir John Lambe was his successor.]

[q] [Jewell and Fox were both quoted by the Counsel for the Parishioners, against the 'Innovation.' See Prynne's Cant. Doom, p. 87. The passages referred to by them, were Jewell's Reply to Harding, art. iii. div. 26, (Jewell's Works, p. 145. Lond. 1609;) and art. xiii. div. 6, p. 362; and Fox's Acts and Monuments, pp. 1211, 1212. Edit. 1612.]

thing done, or intended; only a word spoken to make busy men see how they abused themselves and the Church, by misunderstanding and misapplying that which was written for the good of both." Lastly, 'It was urged,' he said, 'that the communion-table must stand altar-wise, that strangers which come and look into these churches, might not see such a disproportion: the holy-table standing one way in the mother-church, and quite otherwise in the parochial annexed.' And truly, to see this, could be no commendation of the discipline of the Church of England. But howsoever, Mr. Clarke (the other witness with Wyan, and agreeing with him in the most) says plainly, that it was the L. of Arundel[r] that spake this, not I; and that he was seconded in it by the L. Weston, then L. Treasurer[s], not by me. Die Undecimo.

The last charge of this day was a passage out of one Mr. Shelford's book, pp. 20, 21, 'That they must take the reverend prelates for their examples[t],' &c. And Mr. Pryn witnessed, 'the like was in the Missal,' p. 256. Mr. Shelford is a mere stranger to me; his book I never read; if he have said anything unjust or untrue, let him answer for himself. As for the like to that, which he says, being in the Missal, though that be but a weak argument, yet let him solve it. VIII.

Here this day ending, I was put off to Saturday, June 1. And then again put off to Thursday, June 6, which held. Junii 1. Junii 6.

[r] [Thomas Howard, Earl Marshall.]

[s] [Richard Weston, created Baron Weston, and Earl of Portland. He was Lord High Treasurer from July 15, 1628, to his death in 1634.]

[t] ["Let us learn of our mother Churches, for there our reverend fathers, the prelates, and others, make their reverence to God on this wise, both on their entry and return, &c." —Five Pious and Learned Discourses, by Robert Shelford, of Ringsfield, in Suffolk, Priest. Serm. i. 'On God's House,' p. 20. Camb. 1635.]

CAP. XXXIV.

MY TWELFTH DAY OF HEARING.

Thursday, Junii 6, 1644. Die Duodecimo.

THIS day Sergeant Wild, instead of beginning with a new charge, made another long reply to my answers of the former day. Whether he found that his former reply made at the time, was weak, and so reputed, I cannot tell. "But another he made, as full of premeditated weakness, as the former was of sudden. Mr. Pryn I think perceived it, and was often at his ear; but Mr. Sergeant was little less than angry, and would on. I knew I was to make no answer to any reply, and so took no notes: indeed, holding it all as it was, that is, either nothing, (174) or nothing to the purpose. This tedious reply ended—"

I. Then came on the first charge about the window of coloured glass set up in the new chapel at Westminster[a]. It was the history of the coming down of the Holy Ghost upon the Apostles. This was charged to be done by me, and at my cost: the witnesses, Mr. Brown, employed in setting up the window, and Mr. Sutton the glazier.

These men say, 'that Dr. Newell, Sub-dean of Westminster[b], gave order for the window and the setting of it up; but they know not at whose cost, nor was any order given from me.' So here's nothing charged upon me. And if it were, I know nothing amiss in the window. As for the King's arms being taken down (as they say), let them answer that did it. Though I believe, that the King's arms standing alone in a

[a] [This was Tothilfields Chapel, erected 1631-1636; Dr. George Darrell, one of the Prebendaries of Westminster, having in the former of these years left £400 for the purpose. It was first opened by order of the House of Commons, dated Dec. 9, 1642, and by their further order of Dec. 18. Dr. Gouge, of Blackfriars, preached the first Sermon in it (Newc. Repert. vol. i. pp. 722, 923). The window referred to was demolished by order of Parliament (Prynne, Cant. Doom, p. 93).]

[b] [Robert Newell, Prebendary of the ninth stall, and Archdeacon of Buckingham. He was half brother of Abp. Neile. He had died in 1643. (Wood, F. O. i. 289.)]

white window, was not taken down out of any ill meaning, but only out of necessity to make way for the history. Die Duodecimo.

The second charge was the picture of the B. Virgin set upon a new-built door at S. Mary's in Oxford. Here Alderman Nixon[c] says, 'that some passengers put off their hats, and, as he supposes, to that picture.' But, my Lds., his supposal is no proof. He says, 'that the next day he saw it.' But what did he see? Nothing, but the putting off the hat; for he could not see why, or to what; unless they which put off, told it. They might put off to some acquaintance that passed by. He further says, 'he saw a man in that porch upon his knees, and he thinks praying; but he cannot say to that.' But then ("if the malice he hath long borne me, would have suffered him") he might have stayed till he knew to whom he was praying, for till then it is no evidence. He says, 'he thinks that I countenanced the setting of it up, because it was done by Bp. Owen[d].' But Mr. Bromfeeld, who did that work, gave testimony to the Lords, that I had nothing to do in it. He says, 'there was an image set up at Carfax Church, but pulled down again[e] by Mr. Widdows[f], Vicar there.' But this hath no relation at all to me. "This picture of the B. Virgin was twice mentioned before. And Sir Nath. Brent could say nothing to it but hearsay. And Mr. Corbet did not so much as hear of any abuse. And now Alderman Nixon says, he saw hats put off; but the wise man knows not to what. Nor is there any show of proof offered, that I had any hand or approbation in the setting of it up. Or that ever any complaint was made to me of any abuse to it, or dislike of it. And yet Mr. Brown, when he gave the sum of the charge against me, insisted upon this also, as some great fault of mine, which I cannot yet see." II.

In the next charge, Mr. Sergeant is gone back again to White-Hall, as in the former to Oxford. The witnesses are Mrs. Charnock[g] and her daughter. They say they went III.

[c] [See Nixon's testimony in Prynne's Cant. Doom, p. 72.]

[d] [See above, p. 220.]

[e] [Prynne (Cant. Doom, p. 72) says it was erected by Widdowes.]

[f] [Giles Widdowes, the author of 'The Schismatical Puritan,' which involved him in controversy with Prynne, who had been his pupil at Oriel. He died in 164⅜ (Wood, Ath. Ox. iii. 179). See also Laud's History of Chancellorship, Works, vol. v. p. 39, note [m].]

[g] [See her testimony in Prynne's Cant. Doom, p. 69.]

1640. (being at court) into the chapel, and it seems a woman with them, that was a Papist: and that 'while they were there, Dr. Brown[h], one of the King's Chaplains, came in, bowed toward the communion-table, and then at the altar kneeled down to his prayers.' I do not know of any fault Dr. Brown committed, either in doing reverence to God, or praying, and there. And yet if he had committed any fault, I hope I shall not answer for him. I was not then Dean of the Chapel, nor did any ever complain to me. They say, 'that two strangers came into the chapel at the same time, and saw what Dr. Brown did, and said thereupon, that sure we did not differ much, and should be of one religion shortly. And that the woman which was with these witnesses, told them they were Priests.' First, this can no way relate to me; for neither did these women complain to me of it, nor any from them. Secondly, if these two men were Priests, and did say as is testified; are we ever a whit the nearer them in religion? Indeed, if all the difference between Rome and us con(175)sisted in outward reverence, and no points of doctrine, some argument might hence be drawn; but the points of doctrine being so many and great, put stop enough to that. Thirdly, if recusants, Priests especially, did so speak, might it not be said in cunning, to discountenance all external worship in the service of God, that so they may have opportunity to make more proselytes? And 'tis no small advantage, to my knowledge, which they have this way made. "And this was the answer which I gave Mr. Brown, when he charged this upon me in the House of Commons."

Here, before they went any further, Mr. Sergeant Wilde told the Lords, that when Sir Nath. Brent was employed in my visitation, 'he had instructions for particular churches, of which some were tacit intimations, and some express[i].' I know not to what end this was spoken; for no coherent charge followed upon it. But sure, he thinks Sir Nath. Brent very skilful in me, that he can understand my tacit

[h] [Dr. Jonathan Brown, Dean of Hereford, Prebendary of Westminster, Rector of S. Faith's, London, and of Hertingfordbury in Herts. He died at the end of 1643, and was succeeded in his Deanery by his son-in-law, Herbert Croft, afterwards Bishop of Hereford. (Wood, F. O. i. 456; and Walker's Sufferings, p. 34.)]

[i] [See this point urged in Prynne's Cant. Doom, p. 89.]

intimations, and know to what particular church to apply them. "And as I said no more at the bar, so neither did I think to say any more after; yet now I cannot but a little bemoan myself. For ever since Mr. Maynard left off, who pleaded, though strongly, yet fairly against me, I have been in very ill condition between the other two. For from Mr. Nicolas I had some sense, but extreme virulent and foul language. And from Sergeant Wilde, language good enough sometimes, but little or no sense. For let me answer what I would, when he came to reply, he repeated the charge again, as if I had made no answer at all. Or as if all that I 1 expressed never so plainly, had been but 'tacit intimations;' which I think he understood as much as Sir Nath. Brent[1]." Die Duodecimo.

In the fourth charge, he told the Lords he would not trouble them with repeating the evidence, but only put them in mind of some things in the case of Ferdinando Adams, of Ipswich[k]: of the men of Lewis suffering in the High-Commission[m]: of the parishioners of Beckington[n], and some others heard before; but would leave the Lords to their memory and their notes. Yet read over the sentences given in the High-Commission, and make a repetition of whatsoever might but make a show to render me odious to the people. "And this hath been their art all along, to run over the same thing twice and again (as they did here in the second charge about the picture of the B. Virgin): to the end, that as the auditors changed, the more of them might hear it; and that which wrought not upon some, might upon others. In all which I patiently referred myself to my former answers, having no other way to help myself; in regard they pretended that they renewed the same instances, but not the same way; but in one place, as against law; and in another, as against religion. But why then did they in both places run over all circumstances appliable to both? 1. And on they went, too, with the men of Lewis, where one IV.

[1] [The whole of this paragraph, 'Here, before . . . Brent.' on opposite page.]

[k] P. 131 [of original MS. See above, p. 130.]

[m] [See Prynne's Cant. Doom, p. 101.]

[n] P. 129 [of original MS. See above, p. 124.]

Mr. Parnlye[p] (they say) 'was censured cruelly in the High-Commission, for not removing the communion-table.' The business was but this. Sir Nath. Brent, and his own ordinary, Dr. Nevill[q], ordered the remove of the table: He would not. For this contumacy he was censured, but enjoined[t] only to make his submission to Dr. Nevill. Which I think was a sentence far from any barbarous cruelty, as 'tis called.

2. Another instance, and the next, was Mr. Burket[r]. He says, 'he was censured also about removing the communion-table, and for that only.' But first, this was not simply for removing the holy-table; but it was for abetting the churchwardens to remove it back again from the place, where lawful authority had set it. And secondly, whereas he says, 'he was censured for this only;' the very charge itself confutes him. For there 'tis said, that this, about removing of the communion-table, appears in the sixth article that was against him. Therefore there were five other articles at least more against him. And therefore not this only.

3. The third instance was in Mr. Chancye[s]: and he likewise is said 'to have suffered very much only about railing in of the communion-table.' But this is not so neither. For he confesses that he spake reproachful words against authority, and in contempt of his ordinary. That he said, the rails were fit to be set up in his garden. That he came fifty miles from his own church, on purpose to countenance this business. And all this he acknowledges upon his oath in his submission. And yet nothing laid upon him but suspension, and that no longer than till he submitted. And all this the act of the High-Commission, not mine. "And so I answered Mr. Brown, who urged this against me also." And the truth of all this appears *apud Acta*; though they were

[t] ['enjoined' in margin.]

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[p] [Prynne calls him 'John Premly.']

[q] [William Neville, D. C. L., of Merton Coll. and Chancellor of Chichester. (Wood, F. O. i. 469.)]

[r] [Miles Burkett was Vicar of Patcshull, in Northamptonshire. See some of the charges against him in Prynne, Cant. Doom, p. 96.]

[s] [Charles Chancey, formerly Vicar of Ware, in Hertfordshire, at the time of the offence complained of, Vicar of Marston St. Lawrence, in Northamptonshire. See a detailed account of the proceedings against him, his submission, &c., in Prynne, Cant. Doom, pp. 93—96.]

taken away, and kept ever since from my use, yet many Die Duo-
12 things done in that court have been charged against me. decimo.
And here stepped in a testimony of Mr. Genebrards[t], that I 'threatened openly in the High-Commission to suspend Dr. Merrick[u].' And why might I not do it, if he will be over-bold with the proceeding of the whole court? I have known ere now, a very good lawyer committed from the Chancery Bar to the Fleet. Though I shall spare names.

(176) 4. The fourth instance was in Mr. Workman's case: charged as if he were sentenced 'only for preaching a sermon to the judges, against images in churches[x].' 1. The first witness in the cause was Mr. Langly[y]: he says, 'Mr. Workman was censured for this sermon, and other things.' Therefore not for this sermon only: the High-Commissioners were no such patrons of images. He says, 'that when I was Dean of Gloucester, I told them in the chapel, that K. James had heard of many things amiss in that church, and required me to take care of them.' 'Tis true, he did so. He says further, 'that hereupon I placed the communion-table altar-wise, and commanded due reverence at the coming into the church[z].' This I did, and I have given my reason often

[t] [Prynne gives the name Gellibrand. He is a different person from Gellibrand the writer of the almanack mentioned below. There were several persons of that name who were booksellers at this time.]

[u] [See vol. iii. p. 450, note [c].]

[x] [See John Workman's case stated in full in Prynne's Cant. Doom, pp. 103—108.]

[y] [John Langley was admitted Master of the Cathedral School, March 161½, as appears by the Acts of the Chapter of Gloucester. In 1640 he was elected Master of S. Paul's School in the room of Alexander Gill, mentioned above, p. 80, note [f].]

[z] [The following is the entry in the Act Book of Gloucester Chapter:—

"Acta. habita, et facta vicesimo qui[nto] die Januarii Anno Dom. 1616 [1617] ... Quibus die et anno venerabilis vir Decanus antedictus sacramentum præstitit corporale. ...

"Eodem die post susceptum Juramentum, It was by Mr. Deane and the Chapter aforesaid ordered and decreed, that the communion table should be place[d] altarwise at the upper ende of the quier, close unt[o the east] walle, upon the uppermost greases or steppes, An[d also] as it is used in the King's Maties Chapell, and in a[ll] or the moste pte of the Cathedrall Churches of th[is] realme.

"William Laud, Deane.
Thomas Prior, Subd.
Henr. Aisgill.
Elias Wrenche."

(The other Prebendaries at this time were Laurence Bridger, William Loe, and Thomas Anyan, of whom Loe and Anyan had dispensations of absence)

On the 17th of Jan. an order was made and signed by Laud and the same three Prebendaries for the repair of the fabric.

There is also in the same Act Book an order for the restoration of the early prayers in the Lady Chapel, signed by Laud, Wrench, and Prior, March 9, 1617; and on the 13th day of the same month a letter addressed by the same three persons to the gentry of the county, requesting their

Die Duodecimo.

already for it, out of the Injunctions of Queen Elizabeth. He says, 'that Bishop Smith[a] took offence at this, and would come no more to the cathedral.' First, my Lords, this gentleman was then schoolmaster there, and had free access unto me: he never discovered this. Secondly, the Bishop himself never said a word to me about it: if he had, I would either have satisfied his Lp. in that, or anything else that I did: or if he had satisfied me, I would have forborne it: he says, 'that Mr. Workman, after he was put from his lecture, was not suffered to teach children.' First, if he had been suffered, this man had been like to make the first complaint for decay of his own school. But secondly, the commission thought it no way fit to trust him with the education of children, who had been factious among men. Especially not in that place, where he had so showed himself. "And this answer I gave to Mr. Brown, who in summing the evidence stood as much, and inveighed as earnestly against this cruel proceeding with Mr. Workman, as upon any one thing in the charge. At which time he added also, 'that he would not be suffered to practise physic to get his living. But first, no witness evidenceth this, that he was denied to practise physic. And secondly, he might have taught a school, or practised physic anywhere else. But he had done so much harm, and made such a faction in Gloucester, as that the High-Commission thought it not fit to continue him there; and he was not willing to go from thence, where he had made his party[1]." He says further, 'that some few of the citizens of Gloucester were called into the High-Commission, for an annuity of twenty pound a year allowed Mr. Workman, out of the town stock.' For the thing itself, it was a gross abuse and scorn put upon that court; that when they had censured a schismatical lecturer (for such he was there

[1] ['And this . . . party.' on opposite page.]

aid and assistance towards the erection of a new organ.

There is a further order on the 20th of the following October, relating to the repairs of the church, and directing that the fees for burial should be applied to that purpose.

The Editor is indebted for these extracts to the Rev. Herbert Haines, M. A., Second Master of the Gloucester Cathedral School.]

[a] [Miles Smith; Bp. of Gloucester, 1612—1624. He took an active part as one of the translators of the Bible, and wrote the Preface which is prefixed to it. (Wood, Ath. Ox. ii. 359.)]

proved) the townsmen should make him an allowance of twenty pound a year. A thing (as I humbly conceive) not fit to be endured in any settled[1] government. And whereas clamour is made, that some few of the citizens were called to an account for it, that's as strange on the other side. For where there are many offenders, the noise would be too great to call all. And yet here 's noise enough made for calling a few. Here it was replied by Mr. Maynard, 'that this was done by that corporation, and yet a few singled out to answer; and that therefore I might be singled out to answer for things done in the High-Commission.' "But, under favour, this learned and worthy gentleman is mistaken. For here the mayor and magistrates of Gloucester did that which was no way warrantable by their charter, in which case they may be accountable, all or some: but in the High-Commission we meddled with no cause not cognoscible there; or if by misinformation we did, we were sure of a prohibition to stop us. And meddling with nothing but things proper to them, I conceive still, no one man can be singled out to suffer for that which was done by all. And this may serve to answer Mr. Brown also, who in his last reply upon me, when I might not answer, made use of it." Die Duodecimo. 3

2. The second witness was Mr. Purye of Gloucester[b]. He says, 'that Mr. Brewster and Mr. Guies[c] the town-clerk, were called to the Council-table about this annuity, and that I desired it might be further examined at the High-Commission. If this were true, I know no offence in it, to desire that such an affront to Government might be more thoroughly examined than the Lds. had leisure to do. But the witness doth not give this in evidence. For he says no more, than 'that he heard so from Mr. Brewster.' And this hearsay is no conviction. He says further, 'that the High-Commission called upon this business of the annuity, as informed that the twenty pound given to Mr. Workman, was taken out of the monies for the poor.' And this I must still think was a good

[1] ['settled' inserted afterwards.]

[b] [Alderman Thomas Pury, M. P. for Gloucester in the Long Parliament.]

[c] [Prynne calls them 'Buckston' and 'Wise;' but in the list of errata corrects the latter name to 'Guise.']

Die Duodecimo.

and a sufficient ground, justly to call them in question. He says also, 'that these men were fined, because that which they did was against authority.' So by their own witness it appears, that they were not fined simply for allowing means to Mr. Workman, but for doing it in opposition to authority. Lastly, he says, 'they were (177) fined ten pound a piece, and that presently taken off again.' So here was no such great persecution as is made in the cause. And for the cancelling of this deed of the annuity, it was done by themselves, as Mr. Langlye witnesses [1].

After these two witnesses heard, the sentence of the High-Commission Court was read, which I could not have come at, had not they produced it. And by that it appeared evidently, that Mr. Workman was censured, as well for other things as for his sermon about images in churches. As first, he said, 'so many paces in dancing were so many to hell.' This was hard, if he meant the measures in the inns of court at Christmas; and he excepted none [2]. Then he said, and was no way able to prove it, 'that drunkards, so they were conformable, were preferred.' Which was a great and a notorious slander upon the governors of the Church, and upon orderly and conformable men. Then he said, 'that election of ministers was in the people.' And this is directly against the laws of England, in the right of all patrons. Then constantly in his prayer before his sermon, 'he prayed for the States [d] and the King of Sweden, before his Majesty,' which was the garb of that time, among that party of men. Then, 'that one of his common themes of preaching to the people, was against the Government of the Church.' And then, 'that images in churches were no better than stews in the Com- 33
monwealth,' which at the best is a very unsavoury comparison. But here it was replied, 'that images were idols, and so called in the Homilies [e], and that therefore the comparison might hold.' Yea, but in the second homily, Against the Peril of Idolatry, images or pictures in glass or hangings are expressly and truly said not to be idols till they be worshipped [f].

[1] ['And for . . . witnesses.' on opposite page.]
[2] ['and he excepted none.' in margin.]

[d] [Of Holland.]
[e] Hom. against the Peril of Idola. p. iii. p. 92. [p. 187. Oxf. 1814.]
[f] [P. 164.]

And therefore Mr. Workman should not have compared their setting up to stews, till he could have proved them worshipped. And in all this, were the act good or bad in the censuring of him, it was the act of the High-Commission, not mine. Die Duodecimo.

V. After this followed the fifth charge, which was Mr. Sherfeild's case, his sentence in the Star-chamber for defacing of a church-window in or near Salisbury[g]. The witnesses produced were two. 1. The first was Mr. Carill[h]. He said that Mr. Sherfeild defaced this window, because there was an image in it, conceived to be the picture of God the Father. But first, this comes not home. For many a picture may be conceived to be of God the Father, which yet is not, nor was ever made for it. And then suppose it were so, yet Mr. Sherfeild in a settled government of a State ought not to have done it, but by command of authority. He says, that in my speech there in the court, I justified the having of the picture of God the Father, as he remembers, out of Dan. vii. 22[1]. This 'as he remembers' came well in. For I never justified the making or having that picture. "For Calvin's rule, 'that we may picture that which may be seen[i],' is grounded upon the negative, that no picture may be made of that which was never, never can be seen. And to ground this negative, is the command given by Moses, Deut. iv.[j] 'Take good heed to yourselves.' For what? That you make not to yourselves this picture. Why? 'For that you saw no manner of similitude, in the day that the Lord spake unto you out of the midst of the fire.' Out of the midst of the fire, and yet He still reserved himself in 'thick darkness,' Exod. xx.[k] So no picture of Him, because no similitude ever seen. And this rule having ever possessed me wholly, I could not justify the having of it. I said indeed, that some men in later superstitious times, were so foolish as to picture

[1] ['out of Dan vii. 22.' in margin.]

[g] [See above, p. 169, note [b], and Prynne's Cant. Doom, pp. 102, 103. The passages of the speech here referred to may be compared with the speech itself in vol. vi.]

[h] [Joseph Caryll, preacher at Lincoln's Inn. He was one of the chaplains to the commissioners who visited the King at Holdenby and Newport, and was appointed by the Parliament to attend the King at the scaffold. A list of his works are given by Wood (Ath. Ox. iii. 979—983).]

[i] Calv. 1. Instit. c. 11, § 12. [Op., tom. ix. p. 22.]

[j] Deut. iv. 15, 16.

[k] Exod. xx. 21.

Die Duodecimo.

God the Father, by occasion of that place in Daniel; but for myself I ever rejected it. Nor can that place bear any show of it. For Daniel says there, 'that the Ancient of days came.' But in what shape or similitude He came, no man living can tell. And He is called 'the Ancient of days' from His eternity, not as if He appeared like an old man. The text hath no warrant at all for that.

2. Yet the second witness, Mr. Tomlyns[1], says also, 'that I did justify this picture.' "God forgive him the malice or ignorance of this oath, be it which it will." He might have been as wary as Mr. Caril, and added 'as he remembers;' for so many years since, as this hearing was, he may easily mistake. But if I did say any such thing, why are not my own papers here produced against me? I had that written which I then spake, and the paper was in my study with the rest, and came (for aught I know) into their hands which follow the charge against me. I ask again, why is not this paper produced? Out of all doubt it would, had there appeared any such thing in it[1]. He says also, 'that I said then, that if the idol of Jupiter were set up, yet it were not 33
lawful to pull it down in a popular tu(178)mult, but by order and authority.' I did say so, or to that effect, indeed; and must say it still. For I find in St. Aug. almost the very words[m]. And Bishop Davenant[n], a man very learned, cites this place of St. Aug. and approves it. And they both prove this doctrine from Deut. xii.[o] Where the command given for destroying of the idols, when they came into the land of Canaan, was not left at large to the people, but settled in Moses the chief magistrate, and his power. And according to this rule, the temple of Æsculapius, though then grown very scandalous, was not pulled down but by Constantine's command[p]. Which place I then showed the Lords. But

[1] ['But if . . . in it.' on opposite page.]

[1] [A barrister of the Temple.]

[m] ["Cum acceperitis potestatem, hoc facite. Ubi nobis non est data potestas, non facimus; ubi data est, non prætermittimus. Multi pagani habent istas abominationes in fundis suis; numquid accedimus, et confrangimus? Prius enim agimus, ut idola in eorum corde frangamus."—S. Aug. Serm. lxii. (al. de Verb. Dom. vi.) § 17. Op., t. v. col. 520. C. D.]

[n] [Exposit. Epist. D. Pauli ad Coloss. cap. iv. ver. 5. p. 490. Cant. 1627.]

[o] Deut. vii. 5, and xii. 2.

[p] Euseb. [lib.] iii. de Vita Constan. c. 54. [cap. 56. pp. 611, 612. Cant. 1720.]

this witness added, 'that Mr. Sherfeild had authority to do this from the vestry. If he had, that's as good as none; for by the laws of England there is yet no power given them for that or anything else. And all that vestries do, is by usurpation or consent of the parish, but reaches not this[1]. The Bishop of the diocese had been fitter to be consulted herein, than the vestry. Die Duodecimo.

Here, as if these witnesses had not said enough, Mr. Nicolas offered himself to be a witness. And told the Lords he was present at the hearing of this cause, 'and that four witnesses came in clear, that the picture broken down, was the picture of God the Father, and that yet the sentence of the court passed against Mr. Sherfeild.' First, if this be so, it concludes against the sentence given in the Star-chamber, not against me; and he calls it here 'the sentence of the court.' Secondly, be it, that it were undoubtedly the picture of God the Father; yet he ought to have taken authority along with him, and not to go about it with violence, which he did, and fell and brake his leg in the business[2]. Thirdly, by his own description of the picture, it seems to me to be some old fabulous picture out of a legend, and not one of God the Father: for he then told the Lords, 'it was a picture of an old man with a budget by his side, out of which he was plucking Adam and Eve;' and I believe no man ever saw God the Father so pictured anywhere. "Lastly, let me observe how Mr. Nicolas takes all parts upon him wherein he may hope to do me mischief."

The sixth charge was concerning a Bible, that was printed with pictures, and sold. The witness Mr. Walsal[q], a stationer. Who says, 'that this Bible was licensed by Dr. Weeks[r];' my Ld. of London's Chaplain, not mine; so thus far it concerns not me. "Yes, says Mr. Brown in his last reply: 'For it appears in a list of my chaplains under my own hand, that Dr. Weeks was one.' 'Tis true, when I was Bp. of Bath and VI.

[1] ['or consent . . . this.' in margin.]
[2] ['which he . . . business.' in margin.]

[q] [Walley, the clerk of Stationer's Hall. (Prynne, Cant. Doom, p. 109.)]
[r] [John Weekes was installed Prebendary of the third stall in Bristol Cathedral, March 3, 1633, (Le Neve,) Rector of Banwell, March 4, 16$\frac{38}{39}$, and afterwards Dean of S. Buryan in Cornwall (Wood, F. O. ii. 68). Prynne states that these pictures were licensed not by Weekes, but by Dr. Bray.]

His Innocence.

Wells he was mine: but my Lord of London had him from me, so soon as ever he was Bishop. And was his, not mine, when he licensed that book. And Mr. Brown knew that I answered this to the Lords." He says, "that I gave him direction that they should not be sold openly upon the stalls, but only to discreet men that knew how to use them." The case was this. As I was at prayers in the King's chapel, I there saw one of them in Mrs. Kirk's hand. She was far enough from my affection to Rome. And this being the first knowledge I had of it, many were vented and sold before I could prevent it. Upon this I sent for one whether to this witness or another I cannot say, and acquainted the Lords of the Council with it, and craved their direction what should be done. It was there ordered, that I should forbid the open sale of them upon their stalls, but not otherwise to learned and discreet men. And when I would have had this order stricter, no man stuck to me but Mr. Secretary Cook. So according to this order I gave direction to Mr. Walsal, as he witnesses.

Here Mr. Maynard replied, that I ought to have withstood this order, in regard it was every way faulty. For, said he, "either these pictures were good, or bad. And if they were good, why should they not be sold openly upon the stalls to all that would buy? And if they were bad, why should they be sold privately to any?" To this reply I was not suffered to answer: but when I heard Mr. Brown charge this Bible with pictures against me, then I answered the thing as before, and took occasion thereby to answer this dilemma thus. Namely, that this kind of argument concludes not, but in things necessary, and where no medium can be given. For where a medium can be given, the horns of this argument are too weak to hurt. And so 'tis here. For pictures in themselves are things indifferent; not simply good, nor simply bad, but as they are used. And therefore they were not to be sold to all comers, because they may be abused, and become evil; and yet might be sold to learned and discreet men, who might turn them to good. And that images are things indifferent of themselves, is granted in the homilies which are against the very Peril of Idolatry[*]." He said,

[*] Hom. par. i. p. 11. [p. 155.]

'there was some inconvenient pictures among them; as the Assumption, and the Dove.' Be it so, the book was not licensed by me or mine. And yet, as I then showed the Lords, they were not so strict at Amsterdam against these pictures. For the book which Mr. Walsal showed me, was printed and sent thence, before it was printed here. Besides, our old English Bibles in the beginning of the Queen were full of pictures; and no fault found. As for that which is added at the bar, 'that one of these Bibles was found in Secretary Windebank's trunk, and another in Sir Jo. Lamb's;' that 's nothing to me. Die Duodecimo.

The last charge of this day was, 'that something about images was expunged out of Dr. Featly's[1] sermons, by my chaplain, Dr. Bray, before they could be suffered to be printed[t].' But first, he himself confesses, that I told him he might print them, so nothing were in them contrary to the doctrine and discipline of the Church of England. Secondly, he confesses, that when Dr. Bray made stay of them, he never complained to me; and I cannot remedy that which I do not know. Thirdly, he confesses, that all the time he was in Lambeth-House, my predecessor ever left that care of the press upon his chaplains; and why I might not do it as well as my predecessor, I do not yet know. But he said, 'that he complained to Sir Edmund Scott, and desired to be advised by him what he should do: and that he answered, he thought I would not meddle with that troublesome business, more than my predecessors had done.' "Be this so, yet Sir Ed. Scott never told me this; nor is there any the least proof offered that he did. But because this and the like passages about expunging some things out of books, makes such a great noise, as if nothing concerning popery might be printed: and because Mr. Brown in summing up of the charge in the House of Commons, warmly insisted upon this
7 particular, I thought it necessary to answer as follows. That what moved my chaplain to expunge that large passage against images, I knew not; nor could I now know, my

[1] ['Dr. Featly's' in margin; originally 'his']

[t] [The passage said to have been erased from Dr. Featley's Sermons, p. 788, is given by Prynne, Cant. Doom, pp. 108, 109.]

Die Duodecimo.

chaplain being dead [a]. But that this I was sure of, that elsewhere in those very sermons, there was as plain a passage, and full against images, left in [x]. And in another place a whole leaf together, spent to prove them idolaters [y]; and that as gross as the Baalists, and so he terms them. Yea, and that the Pope is Antichrist too [z], and not only called so, but proved by divers arguments. And not so only, but in plain terms, that he is the whore of Babylon [a]. And these passages I then read out of the book itself in the House of Commons. And many other like to these there are. So my chaplain might see good cause to leave out some passages. Where so many upon as good cause were left in."

But to the business of leaving the care of these books, and the overview of them, to my chaplains, it was then urged, 'That the commissary of John Ld. Archbp. of York, had excommunicated the Ld. Bp. of Durham, being then in the King's service. And that the Archbp. himself was deeply fined for this act of his commissary [b]. And that therefore I ought much more to be answerable for my chaplain's act, whom I might put away when I would, than he for his commissary, who had a patent, and could not be put out at pleasure [c].' Mr. Brown also followed this precedent close upon me. But first, there is a great deal of difference in the thing itself: my chaplain's case being but the leaving out of a passage in a book to be printed: but his commissary's case being the excommunicating of a great bishop, and he in the King's service, of whose honour the laws of this realm are very tender. And secondly, the Bp. and his official (call him chancellor or commissary, or what you will) make but one person in law; and therefore the act of the commissary to the full extent of his patent, is the act of the Bishop in legal construction, and the Bishop may be answer-

[a] [Dr. Bray had died early in this year.]

[x] Dr. Featly's Sermons, [Clavis Mystica,] p. 477. [See also, pp. 787, 788. Lond. 1636.]

[y] [Serm. lvii.] p. 791.

[z] [Serm. lx.] p. 808.

[a] [Ibid.] p. 810.

[b] This was done long before the Reformation; when the patents of Chancellors and Commissaries were revocable at the pleasure of the Bishop. H. W.

[c] [This case is mentioned by Prynne (Cant. Doom, p. 517). The circumstance took place in 21 Edw. I. 1292, 1293. The Abp. of York at that time was John Romain, and the Bp. of Durham, Anthony Beck. The Bishop of Durham's servants, not himself, were excommunicated.]

able for it. But the Bp. and his chaplain are not one person in any construction of law. "And say he may put away his chaplain when he will, yet that cannot help what is past, if aught have been done amiss by him. And this was the answer I insisted on to Mr. Brown[1]." Die Duodecimo.

Upon my entrance on this day's defence, I found myself aggrieved at the Diurnal, and another pamphlet of the week, wherein they print whatsoever is charged against me, as if it were fully proved; never so much as mentioning what, or how I answered. And that it troubled me the more, because (as I conceived) the passages as there expressed, trenched deep upon the justice and proceedings of that honourable House. And could have no aim but to incense the multitude against me. With some difficulty I got these pamphlets received, but there they died, and the weekly abuse of me continued to keep my patience in breath.

[1] [The whole of this paragraph is written on an inserted slip of paper.]

CAP. XXXV.

THE THIRTEENTH DAY OF MY HEARING.

I. THE first charge of this day, was the opinion which was held of me beyond the seas. The first witness was Sir Henry Mildmaye, who (as is before related) [a] told me without asking, that (180) I was the most hateful man at Rome, that ever sate in my see since the Reformation. Now he denied not this, "but being helped on by good preparation, a flexible conscience, and a fair leading interrogatory by Mr. Nicolas," (Mr. Sergeant Wilde was sick, and came no more till the last day when I made my recapitulation [1]) he minced it. And now he says, that 'there were two factions at Rome, and that one of them did indeed speak very ill of me, because they thought I aimed at too great a power here in England; but the other faction spake as well of me, because they thought I endeavoured to bring us in England nearer to the Church of Rome.' But first, my Lords, this gentleman's words to me were round and general: 'That I was hated at Rome; not of a party, or faction there.' And my servants heard him at the same time, and are here ready to witness it, 'that he then said the Pope was a goodly gentleman, and did use to ride two or three great horses in a morning, and, but that he was something taller, he was as like Auditor Philips (who was then at dinner with me) as could be.' But I pray mark what wise men he makes them at Rome: one faction hates me, because I aim at too much power: and the other loves me, because I would draw England nearer Rome; why, if I went about to draw England nearer Rome, can any among them be such fools as to think my power too great? For if I used my power for them, why should any there

Junii 11, 1644. Whitsun-Tuesday. Die Decimo-tertio.

[1] ['Mr. Sergeant . . . recapitulation,' in margin.]

[a] [See above, p. 207. Sir Henry Mildmay's evidence is given by Prynne, Cant. Doom, pp. 412, 413.]

condemn me? And if I used it against them, why should any here accuse me[1]? "*Non sunt hæc bene divisa temporibus*[b]. These things suit not with the times, or the dispositions of Rome: but the plain truth is, I do not think that ever he was at Rome; I after heard a whisper, that he only stepped into France for another cure, not to Rome for curiosity, which was the only cause he gave the Lords of his going thither." Die Decimo-tertio.

2. The second witness was Mr. Challoner[c]. He says not much of his own knowledge, but of fame, that tattling gossip; yet he told the Lords, 'I was a very obscure man, till within these fifteen years.' Be it so, if he please. Yet I have been a Bishop above three and twenty years[d]: and 'tis eighteen years since I was first Dean of his Majesty's Chapel Royal[e]. He says, 'that after this time there was a strong opinion of reconciliation to Rome.' A strong opinion, but a weak proof. For it was an opinion of enemies, and such as could easily believe, what they overmuch desired. He further said, 'that some of them were of opinion, that I was a good Roman Catholic, and that I wrought cunningly to introduce that religion by inches: and that they prayed for me.' First, my Lords, the opinion of enemies is no proof at all, that I am such as they think me. And secondly, this is a notable, and no unusual piece of cunning, for an enemy to destroy by commending. For this was the ready way, and I doubt not but it hath been practised, to raise a jealousy against me at home, thereby either to work the ruin of my person, or utterly to weaken and disable me from doing harm to them, or good for the Church of England. Besides, if the commendation of enemies may in this kind go for proof; it shall be in the power of two or three practising Jesuits, to destroy any bishop or other churchman of England when they please. At last, 'he told a story of one father John, a Benedictine; that he asked him how church-livings were disposed in

[1] ['For if . . . accuse me?' in margin.]

[b] [Ter. Andr. iii. 1. 18.]

[c] [See his evidence in Prynne's Cant. Doom, pp. 414, 415.]

[d] [He was appointed Bp. of St. David's June 29, 1621. (Works, vol. iii. p. 136.)]

[e] [He was appointed Oct. 3, 1626, on the death of Bp. Andrewes. (Works, vol. iii. p. 196.)]

ici- tio. England, and whether I had not the disposing of those which were in the King's gift. And concluded, that he was not out of hope to see England reduced to Rome.' Why, my Lords, this is not Father John's hope alone: for there is no Roman Catholic [f] but hath some hope alive in him to see this day. And were it not for that hope, there would not have been so many, some desperate, all dangerous practices upon this kingdom to effect it, both in Queen Elizabeth's time, and since. But if this, I know not what, Father John hope so, what is that to me?

3. The third witness was Mr. Anthony Mildmaye [g]. A man not thought on for a witness, till I called for his brother Sir Henry. But now he comes laden with his brother's language. He says just as Sir Henry did before, 'that there were two factions in Rome, the Jesuits, and they abhorred me; but the other, the secular priests, they wished me well, as he was informed.' First, this is so one and the same testimony, that any man that will may see, that either he informed his brother, or his brother (181) him. Secondly, here 's nothing affirmed; for it is but 'as he was informed.' And he doth not tell you by whom. It may be, my Lords, it was by his brother. Then he says, 'this was to make myself great,' and tells a tale of Father Fitton [h], as much to the purpose as that which Mr. Challoner told of Father John. But whatsoever either of these fathers said, it was but their own opinion of me, or hearsay; neither of which can prove me guilty of anything. "Thus much Mr. Anthony made a shift to say by five of the clock at afternoon, when I came to make my answer. And this (as I have sufficient cause to think) only to help to shore up his brother's testimony. But in the morning, when he should have come, as his brother did, he was by nine in the morning so drunk, that he was not able to come to the bar, nor to speak common sense, had he been brought thither. *Nobile par fratrum* [i]."

II. The second charge was the 'consecration of two churches

[f] The Archbishop calls the English Papists 'Roman Catholics,' not as allowing them to be such; but referring to that name which some of them were before said to have affixed to him.—H. W.

[g] [See his evidence in Prynne's Cant. Doom, p. 413.]

[h] [Agent for the secular priests at Rome.]

[i] [Hor. Sat. ii. 3. 243.]

in London :' St. Catherine Cree church[k], and St. Giles in the Fields. The witnesses two. Die Decimo-tertio.

1. The first witness was one Mr. Willingham. And he says, 'that I came to these churches in a pompous manner :' but all the pomp that he mentions is, that Sir Henry Martin, Dr. Duck, and some other of the Arches attended me, as they usually do their Diocesans in such solemnities. He says, 'he did curiously observe what was done, thinking it would one day be called to account, as now it is.' So this man (himself being judge) looked upon that work with a malevolent eye, and God preserve him from being a malicious witness. He says, that at my approach to the church door, was read, 'Lift up your heads, O ye gates, and be ye lift up, ye everlasting doors, and the King of Glory shall come in[l].' Psal. xxiv. And this was urged over and over as a jeer upon my person. But this place of Scripture hath been anciently used in consecrations. And it relates not to the Bp., but to God Almighty, the true King of Glory, who at the dedication enters by His servant to take possession of the house, then to be made His. He says, 'that I kneeled down at my coming in, and after used many bowings and cringings.' For my kneeling down at my entrance, to begin with prayer, and after to proceed with reverence, I did but my duty in that, let him scoffingly call it 'cringing,' or 'ducking,' or what he please.

He says further, 'that at the beginning I took up dust, and threw it in the air, and after used divers curses.' And here Mr. Pryn put Mr. Nicolas in mind to add, 'that *spargere cinerem* is in the form of consecration used in the Pontifical.' "And Mr. Brown, in his summary account of my charge, laid the very consecration of these churches as a crime upon me; and insisted on this particular." But here my answer to all was the same: that this witness had need look well to his oath; for there was no throwing up of dust, no curses used throughout the whole action: nor did I follow the 'Pontifical,' but a copy of learned and reverend Bp. Andrews[m], by which he consecrated divers churches in his time: and that this is so, I have the copy by me to witness, and offered

[k] [See Prynne's burlesque account of this consecration, Cant. Doom, pp. 113 seq.]

[l] Psal. xxiv. 7.

[m] [See Bp. Andrewes' Miscellaneous Works, pp. 307 seq.]

Die Decimo-tertio.

them to show it. Nor can this howsoever savour any way of treason. "No, said Mr. Brown, 'but the treason is, to seek, 'by these ceremonies, to overthrow the religion established.' Nor was that ever sought by me: and God of His mercy preserve the true Protestant religion amongst us, till the consecration of churches, and reverence in the church, can overthrow it; and then I doubt not, but by God's blessing, it shall continue safe to the world's end."

He says also, 'that I did pronounce the place holy.' I did so: and that was in the solemn act itself of the consecration, according to the usual form in that behalf. And no man will deny, but that there 'is a derivative and a relative holiness [n]' in places, as well as in vessels, and other things dedicated to the honour and service of God. Nor is anything more common in the Old Testament; and 'tis express in the New both for place and things [o]. 1 Cor. ix.

Then it was urged at the bar, 'that a prayer which I used, was like one that is in the Pontifical.' So in the Missal are many prayers like to the Collects used in our English Liturgy, so like, that some are the very same, translated only into English; and yet these confirmed by law. And for that of Psal. xcv. *Venite* (182) *procidamus* [p], &c., then also excepted against [1], that hath been of very ancient use in the Liturgies of the Church. From which *rejecimus paleam, numquid et grana?* 'we have separated the chaff, shall we cast away the corn too?' If it come to that, let us take heed we fall not upon the devil's winnowing, who labours to beat down the corn; 'tis not the chaff that troubles him [q], S. Luc. xxii. Then 31
they urged my predecessor, Archbp. Parker [r], 'that he found fault with the consecration of new churches.' I answered then upon memory, that he did not find fault simply with consecrations of churches, but only with the superstitious ceremonies used therein. "And this since, upon perusal of

[1] ['then also excepted against,' in margin.]

[n] "Objectiva et adhærens." Jo. Prideaux, Concio, in S. Luc. xix. 46. [This sermon was preached at the consecration of Exeter College chapel. It was first printed in 1625, and reprinted in his "Twenty Sermons." Oxon. 1636. Prideaux's words (p. 24 of this latter Edition) are, 'objective holiness, adherent to it.']

[o] 1 Cor. ix. 13.

[p] Psal. xcv. 6.

[q] S. Luc. xxii. 31.

[r] In Antiq. Britannicis, p. 85. [This passage is given in full by Wharton in the Appendix.]

the place, I find to be true. For after he had in some sort commended the popes for taking away some gross and superstitious purgations, he adds, that yet for want of piety, or prudence, their later Pontifical and Missal-books did outgo the ancient *in multitudine ceremoniarum, et peragendi difficultate, et tædio, et exorcisationis amentia.* So these were the things he found fault with, not the consecration itself; which he could not well do, himself being then a consecrated bishop." Die Decimo-tertio.

2. The second witness was Mr. Hope. He says, 'that he agrees with the former witness, and saw all, and the throwing up of the dust,' &c. Since he agrees with the former witness, I give him the same answer. Yet with this observation upon him and his oath. The former witness says that 'at the beginning of this action' I took dust and threw it up: this man agrees with him, and saw all; and almost in the very next words confesses, 'he was not there at the beginning.' Not there: yet he saw it. My Lords, if you mark it, this is a wholesome oath. He says, 'that then the churchyard was consecrated by itself.' It was ever so; the one act must follow the other, though both done the same day: for the places being different, the act could not pass upon them at the same time. Then he said, 'there were fees required, and a good eye had to the money.' This is a poor objection against me: if the officers did exact any money without rule, or beyond precedent, let them answer for it. But for that which was said to belong to me, I presently gave it to the poor of the parish. And this Mr. Dell, my secretary, then present, attested to the Lords. Lastly, he said, 'they were not new churches.' Let him look to his oath again; for 'tis notoriously known, they were both new-built from the ground; and St. Giles not wholly upon the old foundation.

The third charge was laid on me only by Mr. Nicolas, and without any witness. It was, 'that I outwent Popery itself; for the Papists consecrated churches only, but I had been so ceremonious that I had consecrated chapels too[a].' My Lords, the use of chapels and of churches in regard of God's service is the same. Therefore, if consecration be fit for the one, it III.

[a] Here in England, both before and since the Reformation, chapels newly erected were always solemnly consecrated, as well as churches. I could produce innumerable instances of the time preceding, many of the time succeeding the Reformation.—H. W. [Dulwich College Chapel, *e.g.* by Abp. Abbot. See Wilkins' Conc. tom. iv. pp. 555 seq.]

Die Decimo-tertio.

must needs be for the other. And the consecrations of chapels was long before Popery came into the world. For even oratories newly built were consecrated in or before Eusebius his time[t]. And he flourished about the year of Christ 310. So ancient they are in the course of Christianity; and for any prohibition of them, there is neither law nor canon in the State or Church of England that doth it.

The chapels they instance in are three. 1. First, they say, 'I consecrated a chapel of the Right Honourable the Ld. Treasurer Weston's[u].' I did so, and did no harm therein. As for the touch given by the way upon that honourable 34
person, he is gone to God[x], I have nothing to do with it. 2. Secondly, they instanced 'in a chapel of Sir John Worstenham's building[y].' 'Tis true I consecrated that too; but that was a parish church, built in the place where he was born, and it was in my diocese, and so the work proper for me. 3. The third instance was in my own chapel, in my house at Aberguilly[z], when I was Bishop of S. David's. The room lay waste and out of repair, and I fitted it at my own cost, and consecrated it into a chapel, that house having no oratory before. 1. Here they further aggravated many circumstances: as first, that I named it at the dedication 'the Chapel of S. John the Baptist.' I did so name that chapel, in memory of the college where I was bred, which bears the same name; but I dedicated it to God and His service. And (183)to give the names of angels and saints to churches, for distinction sake, and for the honour of their memory, is very ancient and usual in the Church, as appears in S. Aug.[a], and divers others of the Fathers; but dedicated only to God: "which, in the midst of superstitious times, the School itself confesses[b]:" so yet no offence. 2. Secondly, 'that I did it upon the 29th of August.' And why might I not do it that day, as well as upon any other? But resolving to name the chapel as I did, I the rather made choice of that day, both because it was the day of the decollation of S. John the

[t] Euseb. lib. x. Hist. c. 3. [pp. 463—465.]

[u] [See Diary, May 16, 1632, vol. iii. p. 215.]

[x] [He died in 1634.]

[y] [See Diary, July 17, 1632, vol. iii. p. 216.]

[z] [See Diary, Aug. 28, 1625, ibid. p. 171.]

[a] [S. Aug. de Civit. Dei, lib. xxii. cap. 10. Op., tom. vii. col. 1073. C.]

[b] [S.] Tho. [Aquin. Summ. Theol.] 2. 2æ. q. lxxxv. A. 2 ad 3.

Baptist; and because, as upon that day God had wonderfully blessed me, in the hearing of my cause concerning the Presidentship of S. John's College in Oxford, by King James of ever blessed memory[c]: so yet no offence. 3. Thirdly, there was a paper read, 'and avowed to be mine, in which was a fair description of chapel furniture, and rich plate, and the ceremonies in use in that chapel, and wafers for the Communion.' At the reading of this paper I was a little troubled. I knew I was not then so rich as to have such plate, or furniture; and therefore I humbly desired sight of the paper. So soon as I saw it, I found there was nothing in it in my hand but the indorsement, which told the reader plainly that it was the model of reverend Bishop Andrews his chapel, with the furniture, plate, ceremonies therein used, and all things else. And this copy was sent me by the household chaplain to that famous bishop[d]. "This I laid open to the Lords, and it would have made any man ashamed but Mr. Pryn, who had delivered upon oath that it was a paper of my chapel furniture at Aberguilly, contrary to his conscience, and his own eyesight of the paper." And for wafers, I never either gave or received the Communion, but in ordinary bread. At Westminster I knew it was sometimes used, but as a thing indifferent. As for the slur here given to that reverend dead Bp. of Winchester, it might well have been spared; he deserved far better usage for his service to the Church of England and the Protestant cause. Die Decimo-tertio.

The fourth charge was the publishing the Book of Recreations[e]: and it was ushered in with this scorn upon me, 'that I laboured to put a badge of holiness, by my breath, upon places, and to take it away from days.' But I did neither: the King commanded the printing of it, as is therein attested; 3 and the warrant which the King gave me, they have[1 f]: and IV.

[1] ['and the warrant . . . they have:' in margin.]

[c] [See Diary, Aug. 29, 1611, vol. iii. p. 135.]

[d] [This very copy is now preserved among the Harl. MSS. in Brit. Mus.]

[e] [See the King's Declaration in Rushworth's Collections, vol. ii. pp. 193—196.]

[f] [It is thus given by Prynne (Cant. Doom, p. 148):—

"Charles R.

"Canterbury, see that our Declaration concerning Recreations on the Lord's-day after Evening Prayer, be printed."

Prynne accuses the Archbishop of obtaining this warrant without date, "to justify himself, if questioned for it, upon any future occasion."]

Die Decimo-tertio.

though at consecrations I read the prayers, yet it was God's blessing, not my breath, that gave the holiness. And for the day, I ever laboured it might be kept holy, but yet free from a superstitious holiness. And first, it was said, 'that this was done of purpose to take away preaching.' But first, there is no proof offered for this. And secondly, 'tis impossible; for till the afternoon service and sermon were done, no recreation is allowed by that book, nor then to any but such as have been at both. Therefore it could not be done to take it away. Thirdly, the book names none but lawful recreations: therefore, if any unlawful be used, the book gives them no warrant. And that some are lawful, (after the public service of God is ended,) appears by the practice of Geneva, where, after evening prayer, the elder men bowl, and the younger train. And Calvin says in express terms, that one cause of the institution of the Sabbath was, 'that servants might have a day of rest and remission from their labour[g]:' and what time of the day fit, if not after evening prayer? and what rest is there for able young men, if they may use no recreation? Then it was urged, 'that there was great riot and disorder at wakes kept on the Ld.'s-day.' That is a very sufficient cause to regulate and order those feasts, but not quite to take them away. I make no doubt for my part but that the Feast of the Dedication was abused by some among the Jews; and yet Christ was so far from taking it away for that, as that he honoured it with His own presence. S. John x.[h] As for the paper which was read, 'containing (184)three causes why that book was published,' that was a note taken for my own private use and memory[i].

Then came in Mr. Pryn, who said that 'the Ld. Chief

[g] "Tertio servis, et iis qui sub aliorum degerent imperio, quietis diem indulgendum censuit, quo aliquam haberent a labore remissionem."—Cal. lib. ii. Inst. c. 8. § 28. [Op. tom. ix. p. 99.]

[h] S. John x. 22.

[i] [Prynne thus gives it (Cant. Doom, p. 148):—"The Declaration concerning lawful sports on the Lord's-day, his Majesty commanded me to see it printed. The motives to it were: 1. A general and superstitious opinion conceived of that day. 2. A book set out by Theophilus Brabourne, 1628, 'Judaism upon Christian Principles,' and perverted many. 3. A great distemper in Somersetshire, upon the forbidding of the wakes, in the sourness of this opinion; an Act of the judge that rid that circuit, March 15, 1627, and followed by another, 1630; and his Majesty troubled with petitions and motions by some chief men of that county, on both sides. 4. His royal father's example upon the like occasions in Lancashire."]

Justice Richardson had made an order in his circuit against these wakes, and was forced to revoke it [k].' This was done by authority, as is before answered; to which I refer myself[l]. Here 'tis added, to help fill up the noise: but Mr. Pryn says, 'that all the gentlemen in the country petitioned in the judge's behalf.' No: there was a great faction in Somersetshire at that time, and Sir Robert Philips and all his party writ up against the judge and the order he made, as was apparent by the certificates which he returned. And Sir Robert was well known in his time to be neither Popish nor profane. He says further, 'that William, then Earl of Pembroke, was out of town, and the book printed in the interim by my procurement.' But for this last, here's not one word of proof offered, and so I leave it. Die Decimo-tertio.

The fifth charge was, that some ministers were punished for not reading this book. Witnesses for this were produced. V.

1. The first was Sir Nath. Brent; who says, 'he had charge from me to call for an account of not reading this book, both in my province at my visitation, and in my diocese.' His Majesty having commanded this, I could do little if I had not so much as inquired what was done: and he confesses, 'that for my province he gave time to them which had not read it, and then never asked more after it.' So here was no eager prosecution. But then he says, 'that three in my diocese stood out, and asked time [m].' And confesses that I
14 granted it: but adds, 'that when he asked more time for them, I denied; and that they were then suspended *ab officio* only.' I thought I had reason to deny, when I saw they did but dally by asking time. And it was then evident that in the diocese of other bishops far more than three were punished, and their punishment greater. "However, this my proceeding was far from rigour. And this was the answer that I gave Mr. Brown, who in the sum of his charge instanced in this particular against me[l]."

[l] ['However, this . . . against me.' on opposite page.]

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[k] [See Sir Thomas Richardson's order, in Prynne, Cant. Doom, pp. 131, 132.]

[l] [See above, p. 133.]

[m] [The three persons referred to were Richard Culmer, John Player, of Kennington, and Thomas Hieron, of Hernhill.]

Die Decimo-tertio.

2. The second witness was Mr. Culmer[n], one of the three ministers that was suspended. He says, 'that he was suspended by Sir Nath. Brent, and that when he came to me about it, I said, If you know not how to obey, I know not how to grant your petition.' Truly, my Lds., finding him both wilful and ignorant, I cannot tell what I could say less. He says, 'that his patron took away his benefice.' Why, my Lds., he had none; he was only a curate, and, God knows, unfit for that. So being suspended from his office, this must needs be done. He says, 'he was not absolved till the Scots came in, and that he was conformable in all things else.' For the time of his absolution, I leave that to the record: but for his conformity in other things, 'tis more than ever I heard any. "This I can say for him, he is good at purchasing a benefice: for he offered a servant of mine one hundred and fifty pounds, so he could procure me but to name him to the Parliament for Chartham in Kent. Since, I have heard he is as good at doing reverence in the church[o]: for he pissed in the body of the cathedral at Canterbury at noonday, as will be justified by oath[p]. And for this very particular, the Book of Recreations, he informed at the Council-table against a gentleman of quality, for saying it was unfit such books should be sent for ministers to read in the church[q]. And was himself laid by the heels for the falsehood of this information. So he is very good at the point of conscience too, that can refuse to read the book, as being unfit, and complain to have another punished for saying 'tis so."

3. The third witness is Mr. Wilson[r]. He says, 'that I sent to Sir Nath. Brent to suspend him.' That is true, but it was when he would neither obey, nor keep in his tongue. He says, 'his living was sequestered for almost four years.' But it was not for not reading this book. For himself

[n] [See above, p. 17.]

[o] This Mr. Culmer not only pissed in the church of Canterbury, but also demolished the noble glass windows of it with his own hands. The like he did in the parish-church of Minster, in Thanet; which benefice he usurped during the Rebellion. I have had more particular opportunities to be informed concerning him from many yet alive, who knew him well; and upon the whole, think him to have been one of the greatest villains in the three kingdoms.—H. W.

[p] Antidotum Culmerianum, p. 11.

[q] Ibid. p. 35. [These passages from Antidot. Culmer., are given by Wharton in the Appendix.]

[r] [Thomas Wilson, of Otham, at this time one of the Assembly of Divines.]

confesses it was done in the High-Commission; and that for dilapidations, in not repairing his house. Die Decimo-tertio.

4. The fourth witness was one Mr. Snelling[s], a minister in the diocese of Rochester. All that was done against this man was openly in the High-Commission Court. And there he was censured for other things, as well as for this. Himself confesses his open refusing to bow at the name (185) of Jesus, though the Canon of the Church command it. I kept him off from being sentenced a long time, and when he was sentenced he confesses I was not present. He says, 'somewhat was expunged out of his brief.' If it were, it was with the consent of his counsel; which in that court was ordinary. 45 Howsoever, it cannot touch me: for those things were done at informations, where I was not present. He says, that when I heard of the nature of his defence, I said, 'If any such defence were put in, it should be burnt.' This was upon just complaint of the judge then present at informations, affirming it was against all the course of that court. He says, 'there is no penalty mentioned in that Declaration.' And I say, his obedience and other men's should have been the more free and cheerful. Well, I pray God keep us in the mean, in this business of the Sabbath, as well as in other things, that we run not into a Jewish superstition, while we seek to shun profaneness. This Calvin hath in the meantime assured me, 'that those men who stand so strictly upon the morality of the Sabbath, do by a gross and carnal Sabbatization, three times outgo the superstition of the Jew [t].'

Here it was inferred, 'that there was a combination for the doing of this in other dioceses.' But no proof at all was offered. Then Bp. Montague's Articles, and Bp. Wrenn's were read, to show that inquiry was made about the reading of this book [u]. And the Bp. of London's Articles named, but not read. But if I were in this combination, why were not my Articles read? Because no such thing appears in them;

[s] [Lawrence Snelling, Rector of Paul's Cray, Kent. His case is stated in full by Prynne (Cant. Doom, pp. 151, 152).]

[t] "Crassa carnalique Sabbatismi superstitione ter Judæos superant."—Cal. ii. Inst. c. 8, § 34. [Op., tom. ix. p. 100.]

[u] [See the passages from Bp. Montagu's and Bp. Wren's Visitation Articles, in Prynne, Cant. Doom, p. 153.]

Die Decimo-tertio. and because my Articles gave so good content, that while the Convocation was sitting, Dr. Brownrigg[x] and Dr. Oldsworth[y] came to me, and desired me to have my book confirmed in Convocation, to be general for all bishops in future, it was so moderate and according to law. 'But why then,' say they, 'were other Articles thought on, and a clause that none should pass without the approbation of the Archbp.[z]?' Why, other were thought on, because I could not in modesty press the confirmation of my own, though solicited to it. And that clause was added, till a standing book for all dioceses might be perfected, that no *quære* in the interim might be put to any, but such as were according to law.

VI. The sixth charge was about 'reversing of a decree in Chancery,' (as 'tis said,) 'about houses in Dr. Walton's[a] parish, given,' as was said, 'to superstitious uses.'

1. The first witness was Sergeant Turner. He says, 'he had a rule in the King's Bench for a prohibition in this cause.' But by reason of some defect (what, is not mentioned,) he confesses he could not get his prohibition. Here's nothing that reflects upon me. And if a prohibition were moved for, that could not be personally to me, but to my judge in some spiritual court, where it seems this cause depended, and to which the decree in Chancery was directed. And indeed this act, which they call a 'reversing,' was the act and seal of Sir Nath. Brent my vicar-general. And if he violated the Ld. Keeper's decree, he must answer it. But the instrument being then produced, it appeared concurrent in all things with the decree. The words are, *Juxta scopum decreti hac in parte in curia Cancellariæ factum*, &c.

2. The second witness was Mr. Edwards. And wherein he concurs with Sergeant Turner, I give him the same answer.

[x] [Prebendary of Ely, Master of Catherine Hall, and Archdeacon of Coventry. He was made, in 1641, Bp. of Exeter. See his Life in full in Lloyd's Worthies.]

[y] [Richard Holdsworth, Master of Emmanuel College, and Rector of St. Peter-le-Poor in London. In 1645 he was nominated to the deanery of Worcester. He attended the King at Hampton Court and in the Isle of Wight. An account of his life is prefixed to his "Prælectiones Theologicæ," edited by his nephew, Richard Pearson. (Wood, F. O. i. 375, 376.)]

[z] [See Canons of 1640. Canon ix. Works, vol. v. p. 627.]

[a] [Dr. Brian Walton, Rector of S. Martin's Orgar in Cannon Street, the celebrated Editor of the London Polyglott Bible: afterwards Bishop of Chester.]

16 For that which he adds, that Dr. Walton 'did let leases of these houses at an undervalue, and called none of the parishioners to it:' if he did in this anything contrary to justice, or the will of the donor, or the decree, he is living to answer for himself; me it concerns not. For 'his exception taken to my grant' (of confirmation I think he means), 'and to the words therein, *omnis et omnimoda*, &c.;' 'tis the ancient style of such grants, for I know not how many hundred years; no syllable innovated or altered by me. Die Decimo-tertio.

Then followed the charge of Mr. Burton and Mr. Pryn, about their answer, and their not being suffered to put it into the Star-Chamber. Which though Mr. Pryn pressed at large before [b], yet here (186) it must come again, to help fill the world with clamour. Yet to that which shall but seem new I shall answer. Two things are said. (1.) The one, 'that they were not suffered to put in their defence, *modo et forma*, as it was laid.' There was an order made openly in court to the judges, to expunge scandalous matter. And the two Chief Justices did order the expunging of all that which was expunged, be it more or less: as appears in the Acts of that court. (2.) The other is, 'that I procured this expunging.' The proofs that I procured it were these: 1. First, 'because Mr. Cockshot gave me an account of the business from Mr. Attorney.' I had reason to look after the business, the whole Church of England being scandalized in that bill, as well as myself. But this is no proof that I either gave direction or used any solicitation to the reverend judges, to whom it was referred. 2. Secondly, 'because I gave the Lords thanks for it:' it was openly in court: it was after the expunging was agreed unto. And what could I do less in such a cause of the Church, though I had not been personally concerned in it? 3. Thirdly, 'because I had a copy of their answer found in my study.' I conceive it was not only fit, but necessary for me to have one, the nature of the cause considered. But who interlined any passages in it with black-lead, I know not. For I ever used ink, and no black-lead all my life. These be strange proofs that I procured anything. VII.

Then Mr. Pryn added, 'that the justice and favour which was afforded Dr. Leighton was denied unto him.' As far as I

[b] [See above, p. 109.]

Die Decimo-tertio.

remember, it was for the putting in of his answer under his own hand. This, if so, was done by order of the court; it was not my act.

VIII. The last charge followed. And that was taken out of the preface to my speech in Star-Chamber. The words are, 'That one way of government is not always either fit or safe, when the humours of the people are in a continual change[c],' &c. From whence they inferred, I laboured to reduce all to an arbitrary government. But I do humbly conceive, no construction can force these words against me for an arbitrary government. For the meaning is, and can be no other, for sometimes a stricter, and sometimes a remisser holding and ordering the reins of government; yet both according to the same laws, by a different use and application of mercy and justice to offenders. "And so I answered to Mr. Brown, who charged this against me as one of my ill counsels to his Majesty. But my answer given is truth. For it is not said, that there should not be one law for government, but not one way in the ordering and execution of that law. And the 'Observator' upon my speech (an English author, and well enough known, though he pretend 'tis a translation out of Dutch), though he spares nothing that may be but carped at, yet to this passage he says, ''tis a good maxim, and wishes the King would follow it[d].' And truly, for my part, I learned it of a very wise and able governor, and he a King of England too, it was of Hen. VII., of whom the story says, that in the difficulties of his time and cause, he used both ways of government, severity and clemency, yet both these were still within the compass of the law[e]. He far too wise, and I never yet such a fool, as to embrace arbitrary government."

[c] My Speech in the Star-Chamber, Præfat. versus finem. [The pages are not marked.]

[d] Divine and Politic Observations upon my Speech, p. 78.

[e] Speed in Hen. VII. § 16. [p. 731. Lond. 1614.]

CAP. XXXVI.

THIS day I received a note from the Committee, that they intended to proceed next upon the remainder of the seventh, and upon the eighth and ninth original articles. Which follow *in hæc verba.* Junii 14, 1644.

The eighth Article:—

8. *That for the better advancing of his traitorous purpose and design, he did abuse the great power and trust his Majesty reposed in him; and did intrude upon the places of divers great officers, and upon the right of other his Majesty's subjects; whereby he did procure to himself the nomination of sundry persons to ecclesiastical dignities, promotions and benefices belonging to his Majesty and divers of the nobility, clergy and others; and hath taken upon him the commendation of chaplains* (187) *to the King; by which means, he hath preferred to his Majesty's service, and to other great promotions in the Church, such as have been Popishly affected, or otherwise unsound and corrupt both in doctrine and manners.*

The ninth Article:—

9. *He hath for the same traitorous and*[1] *wicked intent, chosen and employed such men to be his Chaplains, whom he knew to be notoriously disaffected to the Reformed religion, grossly addicted to Popish superstition, and erroneous*[2] *and unsound both in judgment and practice; and to them, or some of them, he hath committed the licensing of books to be printed, by which means divers false and superstitious books have been published, to the great scandal of religion, and to the seducing of many of his Majesty's subjects.*

[1] ['traitorous and' in marg.]
[2] ['erroneous' in margin; originally 'ceremonies,']

Junii 17, 1644. I. Monday. Die Decimo-quarto.

AT the ending of the former day's charge, I was put off to this day, which held. The first charge was 'concerning Mr. Damport's leaving his benefice in London, and going into Holland [a].'

1. The first witness for this was Quaterman, a bitter enemy of mine; God forgive him. He speaks, 'as if he had fled from his ministry here for fear of me.' But the second witness, Mr. Dukeswell, says, that he went away upon a warrant that came to summon him into the High-Commission. The truth is, my Lords, and 'tis well known, and to some of his best friends, that I preserved him once before [b], and my Lord Veer [c] came and gave me thanks for it. If after this he fell into danger again, *majus peccatum habet;* I cannot preserve men that will continue in dangerous courses. He says further (and in this the other witness agrees with him), 'that when I heard he was gone into New-England, I should say my arm should reach him there.' The words I remember not. But for the thing, I cannot think it fit that any plantation should secure any offender against the Church of England. And therefore if I did say my arm should reach him, or them, so offending, I know no crime in it; so long as my arm reached no man but by the law.

2. The second witness, Mr. Dukeswell, adds nothing to this, but that he says, Sir Maurice Abbot kept him in before. For which testimony I thank him. For by this it appears, that Mr. Damport was a dangerous factious man, and so accounted in my predecessor's time, and it seems prosecuted then too; that his brother, Sir Maurice Abbot, was then fain (being then a parishioner of his) to labour hard to keep him in.

The second charge was concerning Nathaniel Wickens, a servant of Mr. Pryn's.

[a] [John Davenport, Vicar of St. Stephen's, Coleman Street. See Accounts of Province for the Year 1633. Works, vol. v. p. 318.]

[b] [This agrees with the Archbishop's statement in the passage just referred to.]

[c] [Sir Horatio Vere, the celebrated commander of the English troops in the Low Countries, created Baron Vere of Tilbury, July 25, 1625, died 1635.]

1. The first witness in this cause was William Wickens, father to Nathaniel. He says, 'his son was nine weeks in divers prisons, and for no cause but for that he was Mr. Pryn's servant.' But it appears *apud Acta*, that there were many articles of great misdemeanour against him. And afterwards himself adds, 'that he knew no cause but his refusing to take the oath *ex officio*.' Why, but if he knew that, then he knew another cause, beside his being Mr. Pryn's servant. Unless he will say all Mr. Pryn's servants refuse that oath, and all that refuse that oath are Mr. Pryn's servants. As for the sentence which was laid upon him and the imprisonment, that was the act of the High-Commission, not mine. Then he says, 'that my hand was first in the warrant for his commitment.' And so it was to be, of course. Die Decimo-quarto. II.

2. The second witness was Sarah Wayman. She says, 'that he refused to take the oath.' Therefore he was not committed for being Mr. Pryn's servant. She says, 'that for refusing the oath, he was threatened he should be taken *pro confesso*: and that when one of the doctors replied, that
19 could not be done by the order of the court, I should say, I would have an order by the next court-day.' 'Tis manifest in the course of that court, that any man may be taken *pro confesso*, that will not take the oath, and answer. Yet seeing how that party of men prevailed, and that (188) one doctor's doubting might breed more difference, to the great scandal and weakening of that court, I publicly acquainted his Majesty and the Lords with it. Who were all of opinion, that if such refusers might not be taken *pro confesso*, the whole power of the court was shaken. And hereupon his Majesty sent his letter under his signet, to command us to uphold the power of the court, and to proceed. She says further, 'that he desired the sight of his Articles, which was denied him.' It was the constant and known course of that court, that he might not see the Articles till he had taken the oath, which he refused to do.

3. The third witness was one Flower. He agrees about the business of taking him *pro confesso*. But that's answered. He adds, 'that there was nothing laid to his charge,' and yet confesses that Wickens desired to see the articles that were against him. This is a pretty oath. There were articles

Die Decimo-quarto

against him which he desired to see, and yet there was nothing laid to his charge.

4. Then was produced his Majesty's letter sent unto us. And herein the King requires us by his supreme power ecclesiastical to proceed, &c. We had been in a fine case, had we disobeyed this command. Besides, my Lords, I pray mark it; we are enjoined to proceed by the King's supreme power ecclesiastical; and yet it is here urged against me, that this was done to bring in Popery. An excellent new way of bringing in Popery by the King's supremacy. Yea, but they say, 'I should not have procured this letter.' Why? I hope I may by all lawful ways preserve the honour and just power of the court in which I sat. And 'tis expressed in the letter, that no more was done than was agreeable to the laws and customs of the realm. And 'tis known that both an oath, and a taking *pro confesso* in point of refusal, are used both in the Star-Chamber, and in the Chancery.

5. The last witness was Mr. Pryn, who says, 'that his man was not suffered to come to him, during his soreness when his ears were cropped.' This favour should have been asked of the Court of Star-Chamber, not of me. And yet here is no proof that I denied him this, but the bare report of him, whom he says he employed. Nor do I remember any man's coming to me about it.

III. The third charge followed; 'it was concerning stopping of books from the press, both old and new, and expunging some things out of them.'

1. The first instance was about 'the English Bibles with the Geneva notes.' The Bibles with those notes were tolerated indeed both in Queen Elizabeth's and King James his time; but allowed by authority in neither. And King James said plainly, 'that he thought the Geneva translation was the worst, and many of the notes very partial, untrue, seditious, and savouring too much of dangerous and traitorous conceits. And gave instance [d].' This passage I then read to the Lords: and withal told them, that now of late these notes were more commonly used to ill purposes than formerly, and that that was the cause why the High-Commission was more careful and strict against them than before.

[d] Confer. at Ham. Court, p. 47. [Lond. 1604.]

Here Michael Sparks the elder came in as witness, and said, 'he was called into the High-Commission about these books:' but he confesses, it was not only for them. He says, 'the restraint of those Bibles was for the notes.' But he adds, 'as he supposes.' And his supposal is no proof. Besides, he might have added here also, that the restraint was not for the notes only: for by the numerous coming over of Bibles, both with and without notes, from Amsterdam, there was a great and a just fear conceived, that by little and little, printing would quite be carried out of the kingdom. For the books which came thence, were better print, better bound, better paper, and for all the charges of bringing, sold better cheap. And would any man buy a worse Bible dearer, that might have a better more cheap? And to preserve printing here at home, as well (189) as the notes, was the cause of stricter looking to those Bibles. And this appears by a letter of Sir William Boswell's, his Majesty's agent in the Low Countries[e]; the letter written to me, and now produced against me: but makes for me, as I conceive. For therein he sends me word of two impressions of the Bible in English, one with notes, and the other without: and desires me to take care to regulate this business at home. What should I do? Should I sleep upon such advertisements as these, and from such a hand? Especially since he sends word also, that Dr. Amyes was then printing of a book wholly against the Church of England[f]. So my care was against all underminings, both at home and abroad, of the established doctrine and discipline of the Church of England, for which I am now like to suffer. And I pray God that point of Arminianism, *libertas prophetandi*, do not more mischief in short time, than is expressible by me. Die Decimo-quarto.

2. The second instance was about the new decree of the

[e] [Extracts from Sir W. Boswell's letter are given by Prynne, Cant. Doom, p. 181.]

[f] [William Ames, a distinguished divine among the Puritans, had left England about 1611, and became successively minister at the Hague, Professor of Divinity at Franeker, and preacher to the English congregation at Rotterdam. As Sir William Boswell's letter was dated Sept. 30, 1633, the book referred to as being in the press, was probably Ames's "Fresh Suit against Human Ceremonies in God's Worship, or a Triplication upon Dr. Burgess's Rejoinder for Dr. Morton," which was published in that year. It was an attack on Morton's defence of the three ceremonies, the surplice, the cross in baptism, and kneeling at the sacrament. (Biogr. Brit.)]

ci- Star-Chamber, concerning printing[g]. 'Four articles of this
rto. decree were read, namely, the 1, 2, 18, 24.' What these are, may be seen in the decree: and as I think that whole decree made *anno* 1637, useful and necessary; so, under your Lps.' favour, I think those four articles as necessary as any.

Mr. Waly and Mr. Downes, two stationers, witnesses in this particular, say, 'that they desired some mitigation of the decree, and that Judge Bramston said, he could not do it without me.' I saw my Ld. Chief Justice Bramston here in the court but the other day: why was not he examined, but these men only, who oppose all regulating of the press, that opposes their profit? And sure that grave judge meant, he could not do it alone without the consent of the court. Or if he would have me consulted, it was out of his judicious care for the peace of this Church, almost pressed to death by the liberty of printing[h]. 'The chief grievance they expressed against the new licensing of books, was only for matter of charges.' But that is provided for in the eighteenth article. And Mr. Downes takes a fine oath, which was, 'that he makes no doubt, but that all was done by my direction;' and yet adds, that 'he cannot say it.' So he swears that, which himself confesses he cannot say. And manifest it is in the preface, that this decree was printed by 'order of the court,' and so by their command sent to the Stationers' Hall: 3
and the end of it was to suppress seditious, schismatical, and mutinous books, as appears in the first article.

3. The third instance was, 'that I used my power to suppress books in Holland.' This was drawn out of a letter which John le Mare, one of the prime preachers in Amsterdam, writ to me; expressing therein, that 'since the proclamation made by the States, no man durst meddle with printing any seditious libels, against either the State or Church of England.' Where's the fault? For this gentleman did a very good office to this kingdom and Church, in procuring that proclamation: for till this was done, every discontented spirit could print what he pleased at Amsterdam, against either: and if he had any direction from me about it (which is not proved), I neither am nor can be sorry for it.

[g] [This decree is printed in Rushworth's Collections, vol. iii. Append. pp. 306—315.]

[h] Frigide dictum.—W. S. A. C.

And the fear which kept men in from printing, proceeded from the proclamation of the States, not from any power of mine. Die Decimo-quarto.

4. The fourth instance was in 'the Book of Martyrs.' But that was but named, to credit a base business, an almanac made by one Mr. Genebrand[1]: in which he had left out all the saints, Apostles and all; and put in those which are named in Mr. Fox: and yet not all them neither; for he had left out the solemn days, which are in Fox, as Feb. 2, Feb. 25, Mar. 25. And Cranmer translated to Mar. 23.

In this particular, Mr. Genebrand, brother to this almanac-maker, witnesseth, 'that the Queen sent to me about this new (190) almanac. If her Majesty did send to me about it (as 'tis probable she would disdain the book), is that any crime in me? Could I prevent her Majesty's sending, who could not know so much as that she would send? He says, 'his brother was acquitted in the High-Commission, but charged by me that he made a faction in the court.' If I did say so, surely, my Lords, I saw some practising by him in this new-found way. He says, 'the Papists bought up a great number of these almanacs, and burnt them.' It seems he could not hinder that, nor I neither; unless it shall not be lawful for a Papist to buy an almanac. For when he hath bought him, he may burn him if he please.

But since the Book of Martyrs was named, I shall tell your Lps. how careful I was of it. It is well known how easily abridgements, by their brevity and their cheapness, in short time work out the authors themselves. Mr. Young, the printer, laboured me earnestly and often for an 'Abridgement of the Book of Martyrs.' But I still withstood it (as my secretary here present can testify), upon these two grounds: the one, lest it should bring the large book itself into disuse; and the other, lest if any material thing should be left out, that should have been charged as done of purpose by me, as now I see it is in other books. And I humbly pray your Lps., cast your eyes upon the frontispiece of the Book of Martyrs, printed *an.* 1642, since this Parliament began, and

[1] His name was Gellibrand.—W. S. A. C. [Henry Gellibrand, of Trinity Coll. Oxford, Professor of Astronomy in Gresham College. The Almanac was published in the name of William Beale, servant to Gellibrand. (Wood, Ath. Ox. vol. ii. pp. 622, 623.) See also Cant. Doom. p. 182.]

Die Decimo-quarto. when I was safe enough from having any hand in the business, and there you shall see as dangerous pictures as have been charged upon me, or any my chapel windows.

Upon occasion of Mr. Genebrand's calendar, Mr. Pryn took occasion to tell the Lords, 'that I had made notes upon the Calendar in the Missal.' I desired they might be read; it was thought too tedious. They were nothing but some additions of my own reading to the occurrences on some days. And because the Calendar in the Missal was open and large, I thought fit to write them there.

5. The fifth instance is in Dr. Pocklinton his censure of ..... [k], and of Flaccius Illyricus [l]. And that 'this book was licensed by my chaplain Dr. Bray. And he was censured in this honourable House for that and like slips of his [m]. Then it was inferred at the bar, 'that it must be taken as my act, if it were done by my chaplain.' But inferences are no sworn proof; and, I conceive, no man can by law be punished criminally for his servant's fact; unless there be proof that he had a hand in it. Then it was urged, but without any proof too, 'that Dr. Pocklinton was preferred by me [n].' To which I shall answer when proof is made: and if I had, 'tis far enough from treason.

6. The next instance was 'about the calling in of Thomas Beacon's Disputation of the Mass [o].' The witness Mr. Pryn. 1. He says, 'the book was licensed, and that a Papist thereupon said, Doth my Ld. of Canterbury license such books? That I was informed of these words, and the book called in the next day.' First, Mr. Pryn is single in this part of the testimony for the words. Secondly, if any Papist did say so, it was not in my power to stop his mouth; and they which license books, must endure many and various censures, as

[k] I believe the name here wanting is Mr. Fox the martyrologist.—W. S. A. C.

[l] [The passage referred to is the following:—

"This was the holy and justifiable use of these Diptiches, much like the list of persons censured by holy Church, called with some reproach of truth and Christian religion, 'Catalogus Testium Veritatis,' collected into one volume by Flaccius Illyricus, and enlarged since by others, and as unlike a calendar that I have seen, to wit, that before Mr. Fox his Acts and Monuments," &c.—Pocklington's Altare Christianum, p. 92. edit. 1; p. 114. edit. 2.]

[m] [On March 11, 164$\frac{0}{1}$. See Rushworth's Collections, vol. iv. p. 207.]

[n] [Pocklington's preferments were, the Rectory of Yelden, the Vicarage of Waresley, Prebend of Peterborough, Oct. 31, 1623, and Canonry of Windsor, Jan. 5, 16$\frac{23}{24}$. He was deprived of all his preferments, Feb. 2, 164$\frac{0}{1}$.]

[o] [See the evidence on this head in Prynne, Cant. Doom, pp. 183, 184.]

the readers of them stand affected. Thirdly, if any Papist did so speak, I have reason to think it was to do me a mischief, as much as in him lay. Fourthly, this is a very bold oath; for he swears, 'that I was informed of these words.' He was not present to hear it, and then he can have it but by hearsay, and no religion teaches him to swear that for truth which he doth but hear. Lastly, the book was called in, because it was slipped out contrary to the late decree for printing. 2. Yea, but Mr. Pryn swears, and so doth Michael Sparks the other witness, 'that the book was sent to the printer before the decree.' But first, Sparks his oath is uncertain; for he says Mr. Pryn sent him the book before the decree, and then by and by after, says, it was about that time. Now the book is somewhat large, so that it might be sent him before the decree, (191) and yet not be printed till after, and that a good space too. And secondly, Mr. Pryn himself confesses, the book was sent when the decree was in agitation. Die Decimo-quarto.

7. The seventh instance was about Arminianism, 'as maintained by me against the Declarations of both Houses of Parliament [p], and of King James, concerning Vorstius and Bertius [q]. First, I have nothing to do to defend Arminianism, no man having yet charged me with the abetting any point of it. Secondly, King James his declaration is very learned: but under favour, he puts a great deal of difference between Vorstius and Bertius: and his Majesty's opinion is clear with the article of the Church of England, and so expressed by himself: and to which I ever consented. And the passage in the conference at Hampton-Court was then read to the Lords [r], and yet for the peace of Christendom, and the

[p] [See the Remonstrance of the House of Commons, June 11, 1628, (Prynne, Hidden Works, pp. 90—93,) and the order made by the House of Commons, Jan. 28, 1628 (Cant. Doom, p. 163). Laud's answers to these two declarations are mentioned below, p. 272.]

[q] [See King James's Protestatio Anti-Vorstiana, Works, pp. 351 seq. Lond. 1619. King James was so strongly opposed to Vorstius that he threatened to break off all intercourse with the States, unless they banished him, which was accordingly done. Bertius (a Professor and Librarian at Leyden) was the author of a treatise on the Apostasy of the Saints, censured severely by King James (p. 357). He joined the Church of Rome in 1620, and died in 1629. In the Epist. Eccles. et Theol. (Epist. ccxxxi. pp. 386, 387,) there is an interesting letter from Grotius to John Wytenbogard, criticising freely some passages in Bertius's History of the Pelagians, inserted in his Answer to Piscator, and predicting for the book an unfavourable reception in England.]

[r] Confer. at Ham. Court, pp. 29, 30.

Die Decimo-quarto.

strengthening of the reformed religion, I do heartily wish these differences were not pursued with such heat and animosity, in regard that all the Lutheran Protestants are of the very same opinions, or with very little difference from those which are now called Arminianism. 351

And here comes in Michael Sparks; who says, 'he was called into the High-Commission about a book of Bishop Carleton's[s]. I cannot punctually remember all particulars so long since. But he confesses the business was in the High-Commission. And so not singly chargeable against me. Besides, he is single in this business. He says, 'he was eleven years in the High-Commission, and never sentenced.' "This is more than I know. But if it be so, he had better luck than some honester men. For a bitterer enemy, to his power, the Church-government never had." He was Mr. Pryn's printer. He says, 'I was a Dean then, and he thinks of Hereford.' I was never Dean of Hereford. But howsoever, this is a dangerous oath; let him think of it. He swears that I was a Dean then; and a High-Commissioner; or else what had I to do in the business? Now it is well known I was never a High-Commissioner, till I had been a Bishop some years[t]. For the book itself, Sparks says nothing what was the argument of it: but (so far as I remember) it was expressly against the King's Declaration. "And so I answered Mr. Brown, when he summed up the evidence against me in the House of Commons. And though in his reply he seemed to deny this, yet I remember no proof he brought for it."

8. The last instance was pregnant, and brought forth many particulars. 1. As first, 'Dr. Featly's Parallels, against Bishop Mountague[u].' But this was still-born; at least it says

[s] [George Carleton, elected Bp. of Llandaff Dec. 23, 1617, and translated to Chichester Sept. 8, 1619. He was one of the English Divines who attended the Synod of Dort. The Book referred to is, 'An Examination of those things wherein the Author of the late Appeal holdeth the Doctrine of the Pelagians and Arminians to be the Doctrines of the Church of England. Lond. 1626.' Wood (Ath. Ox. ii. 424) mentions a second edition in 1636.]

[t] [Laud wrote to Buckingham, Nov. 18, 1624, requesting to be put on the High Commission. His name appeared in the Commission issued on the 21st of Jan. following. (Rymer, Fœd. VII. iv. 172.)]

[u] [The title of the book is, 'Pelagius redivivus, or Pelagius raked out of the ashes by Arminius and his Scholars. Lond. 1626.' Wood (Ath. Ox. iii. 161) describes the book as consisting of two parallels, one between the Pelagians and Arminians, the other between the Church of Rome, the Appealer, and the Church of England.]

nothing of me. 2. Secondly, 'Mr. Pryn's Perpetuity [v], and against Dr. Cosens [x], both burnt.' But he doth not say absolutely burnt, but 'as he is informed,' and he may be informed amiss. And howsoever he says, 'it was done by the High-Commission, not by me.' 3. Thirdly, 'some sheets of Dr. Succliff's book [y] prohibited the Press at Oxford.' I hope Oxford is able to give an account for itself. And whereas it was here said at the bar: They hoped 'I would show some repressing of the contrary part:' I would satisfy their hopes abundantly, could I bring witnesses from Oxford, how even and steady a hand I carried to both parts [z]. 4. Fourthly, 'Mr. Burton questioned about his book called The Seven Vials [a].' But himself confesses, that upon Sir Henr. Martin's information, that, as that cause was laid, the High-Commission had no power in it, he was dismissed. 5. Fifthly, 'that about his book, intituled, Babel no Bethel [b], he was questioned at a court out of term.' This was very usual, whensoever the court was full of business, to hold one court-day out of term. This is warranted by the Commission. And warning of it was always publicly given the court-day before, that all whom it concerned might take notice of it, and provide themselves. 6. Sixthly, he says, 'he was there railed at by Bp. Harsnet.' 'Tis more than I know that Bishop Harsnet railed at him; but if he did, I hope I am not brought hither to answer all men's faults. 7. Seventhly, he (192) says, 'he claimed the Petition of Right, yet was committed.' This is more than I know or believe; yet if it were so, it was done by the High-Commission Court, not by me. 8. He says next, 'that he could never be quiet.' But I am sure, my Lords, the Church for divers years could never be in quiet, for him, and his associates. 9. Lastly, they say,

Die Decimo-quarto.

[v] [The title of the book is, 'The Perpetuity of a regenerate Man's Estate, against the Saints' total and final Apostasy. Lond. 1627.' This appears to have been the first of Prynne's voluminous publications.]

[x] [The title of the book is, 'A Brief Survey and Censure of Mr. Cozens his couzening Devotions. Lond. 1628.']

[y] [The writer was Dr. Matthew Sutcliffe, Dean of Exeter. No book printed by Sutcliffe, at Oxford, at this date, appears in the Bodl. Cat.]

[z] [See Hist. of Chancellorship, Works, vol. v. pp. 186—268.]

[a] [The title of the book is, 'The Seven Vials, or an Exposition of the 15th and 16th chapters of the Revelations. Lond. 1628.']

[b] [The title of the book is, 'Babel no Bethel; *i. e.* the Church of Rome no true visible Church of Christ; being an answer to Hugh Cholmely's Challenge, and Robert Butterfield's Maschil.']

Die decimo-quarto.

'some passages against Arminianism were left out of two 35
letters, one of Bp. Davenant's, and the other of Bp. Hall's, sent to be printed [c].' First, here is no proof at all offered, that I differed in anything from the doctrine expressed in those letters. And secondly, for the leaving out of those passages, it was (it seems) done to avoid kindling of new flames in the Church of England. And it appeared on the other side of the paper, which was produced against me, and so read to the Lords; that these passages were left out by the express order from those Bps. themselves, under Bp. Hall's own hand, and with thanks to Dr. Turner [d], then my chaplain, for his letter to them. And here this day's business ended. And I received command to attend again the twentieth of the same month.

[c] [The passages erased are found in Prynne's Cant. Doom, pp. 165, 166. The letters, of which these omitted passages originally formed a part, are in Bp. Hall's Works, vol. ix. pp. 319—321, Lond. 1808, at the beginning of his 'Reconciler;' and with the exception of a small portion in Bp. Hall's letter (where part of the passage which Prynne says was omitted, is inserted, and which may arise from an error on his part), the letters are still printed as Abp. Laud left them; so far bearing out the statement in the text. Language sufficiently strong against Rome, was permitted to remain in Bp. Davenant's letter.]

[d] [Thomas Turner (son of Thomas Turner, Alderman, and thrice Mayor of Reading), of S. John's College, Oxford. He was, at an early age, taken under Laud's patronage; appointed Preb. of Newington in S. Paul's Church, April 14, 1629, and Chancellor of S. Paul's, Oct. 29 following; Dean of Rochester, and Dean of Canterbury 1643. After having suffered severely during the Rebellion, he was restored to his preferments. He married Margaret, daughter of Sir Francis Windebank; by whom he had, among other sons, Francis Turner, the non-juring Bishop of Ely (Wood, F. O. i. 472).]

CAP. XXXVII.

THE FIFTEENTH DAY OF MY HEARING.

THIS day I came again to the House. A day or two before, as now also, the landing place at Westminster was not so full of people; and they which were there, much more civil towards me than formerly. My friends were willing to persuade me, that my answer had much abated the edge of the people, saving from the violent and factious leaders of the multitude, whom it seems nothing would satisfy but my life (for so I was after told in plain terms, by a man deeply interested in them); when I presently saw Quaterman coming towards me, who, so soon as he came, fell to his wonted railing, and asked aloud, 'what the Lords meant, to be troubled so long and so often, with such a base fellow as I was; they should do well to hang me out of the way.' I heard the words with grief enough, and so left them and him in the hands of God. My servants were earnest to have me complain to the Lords. I remembered my late complaint about the pamphlets had no redress; and so forbare it. They notwithstanding, out of their zeal, complained to Mr. Lieutenant of the Tower; who presently went forth, and said he would school him. But I hearkened no more after it. Junii 20, 1644. Thursday. Die Decimo-quinto.

When I came to the bar, Mr. Nicolas began with great violence, and told the Lords, 'the business grew higher and higher against me.' What the business did, will after appear; but I am sure he grew higher and higher, and from this time forward, besides the violence of expression, gave me such language, as no Christian would give a Jew. But God, I humbly thank Him, blessed me with patience; and so I made my ears obedient. That which made him say 'the business grew higher and higher,' was this. Upon my often calling to have the oaths at the coronation of King James

Die Decimo-quinto. and King Charles compared, some of them repaired again to my study at Lambeth, to search for all such copies of Coronation-books as could there be found [a]. In this diligent and 33
curious search ("for Mr. Pryn's malice made it") they found some papers concerning Parliaments, no other (I praise God for it) than such, as with indifferent construction might (I hope) well pass, especially considering what occasion led me, and what command was upon me. And as I have been told by able and experienced men, they would have been nothing, had they been found in any, but this troublesome and distracted time about the rights of Parliaments, (as 'tis said). Howsoever, I was most unfortunate they should be now found, and I had not left (193) them a being, but that I verily thought I had destroyed them long since. But they were unhappily found among the heaps of my papers. And so

I. An Answer to the Remonstrance [b] made June 17, 1628, (which is sixteen years since,) was made the first charge against me.

II. And the second charge was, 'a paper concerning a Declaration [c], Jan. 28, 1628.' To both which I then answered; but because these are urged more than once, to help fill the people with new clamour; and because they are more closely pressed against me at the last day of my hearing; and because Mr. Brown in his summary charge, laid and charged all these papers together; to avoid tedious repetition, I will also make my whole and entire answer together, when that time comes.

III. The third charge of this day was, 'a letter of a Jesuit to his superior, found in my study, dated Mar. 1628 [d].' Let the letter be dated when it will, I hope the Archbp. may get and keep the letters of any Jesuits or others. How shall I be able to know or prevent their plots upon the religion by law established, if this may not be done? Yet this I desire all men to take notice of, that this letter was not directed to me. I was then Bp. of London: the letter was found in a search. But when by all possible care taken by the High-

[a] [See above, p. 212.]
[b] [This will be printed in vol. vi.]
[c] [This will be printed in vol. vi.]
[d] [This letter is given in full by Prynne, in Hidden Works, pp. 89, 90, and in part in Cant. Doom, pp. 159, 160.]

Commission the author could not be found[1], I had (as I humbly conceive) great reason to keep it. And I then humbly desired the whole letter might be read. There was in it, that 'Arminianism' (as 'twas urged) 'was their drug, and their plot against us,' &c. The Jesuit seeing a fire kindling about these opinions, might write what he pleased to help on his cause. Yet this drug, which he says is theirs, is the received opinion of all the Lutherans, and they too learned Protestants to use their drugs. And if it be their drug, why do the Dominicans so condemn it? Nay, why doth the Master of the Sentences and the School after him, for the most, determine rigidly against it? And whereas 'tis said, 'that these men had instruments at the Duke's chamber door:' that belongs not to me, I was not porter there. As for that power which I had, (called by Mr. Nicolas the command of his ear,) I used it as much as I could to shut such instruments thence. Beside, 'tis barely said, no proof at all offered, that such instruments were about the Duke's chamber-door. Other papers were found in my study, above sixty at the least, expressing my continued labours for some years together, to reconcile 'the divided Protestants in Germany, that so they might go with united forces against the Romanists. "Why are not these produced too? Would not Christianity and justice have my innocence cleared, as well as my faults accused?" Die Decimo-quinto.

56. The fourth charge was Bp. Mountague's preferment. 'The Parliament,' they say, 'called him in question, and the King called in his book; yet, in affront to the Parliament, that he was preferred by me.' No: it was then publicly known in court (whether now remembered or no, I cannot tell) that he was preferred by my Lord Duke; but being a Church business, the King commanded me to signify his pleasure to the Signet office. And the docket (which is all the proof here made) mentions him only by whom the King's pleasure is signified, not him that procures the preferment. So the docket in this case no proof at all. IV.

The fifth charge was a paper intituled, 'Considerations for the Church[e].' Three exceptions against them. 'The observa- V.

[1] ['But when . . . found,' in margin.]

[e] [See Prynne's Cant. Doom, p. 287.]

lect. into. tion of the King's Declaration, art. 3; the Lecturers, art. 5; and the High-Commission and Prohibitions, art. 10, 11.' The paper I desired might be all read. Nothing in them against either law or religion. And for Lecturers a better care taken, and with more ease to the people, and more peace to the Church [1], by a combination of conformable neighbouring ministers, in their turns, and not by some one humorous man, who too often misleads the people. Secondly, my copy of Considerations [f] came from Archbp. Harsnet, in which was some sour expression concerning Emmanuel and Sidney Colleges in Cambridge, which the King in (194) his wisdom thought fit to leave out. The King's instructions upon these Considerations, are under Mr. Baker's hand, who was secretary to my predecessor [g]. And they were sent to me to make exceptions to them, if I knew any, in regard of the ministers of London, whereof I was then Bp. And by this, that they were thus sent unto me by my predecessor, 'tis manifest, that this account from the several dioceses to the Archbishop, and from him to his Majesty once a-year, was begun before my time. Howsoever, if it had not, I should have been glad of the honour of it, had it begun in mine. For I humbly conceive, there cannot be a better or a safer way to preserve truth and peace in the Church, than that once a year every bishop should give an account of all greater occurrences in the Church to his metropolitan, and he to the King. Without which, the King, who is the supreme, is like to be a great stranger to all Church proceedings.

VI. The sixth charge was about 'Dr. Sibthorp's Sermon, that my predecessor opposed the printing of it, and that I opposed him to affront the Parliament [h].' Nothing so, my Lords. Nothing done by me to oppose, or affront, the one or the other. This sermon came forth when the loan was not yet settled in Parliament. The Lords, and the Judges, and the Bishops, were some for, some against it. And if my judg-

[1] ['and more ... Church,' in margin.]

[f] I suppose these Considerations are those published in Pryn's Compl. Hist. p. 287.—W. S. A. C.

[g] [See Laud's Works, vol. v. p. 307.]

[h] [See Abp. Abbot's account of this business, in Rushworth's Collections, vol. i. pp. 436 seq.]

ment were erroneous in that point, it was misled by lords of great honour and experience, and by judges of great knowledge in the law. But I did nothing to affront any. 'Tis said, 'that I inserted into the sermon, that the people may not refuse any tax that is not unjustly laid.' I conceive nothing is justly laid in that kind but according to law; God's and man's. And I dare not say, the people may refuse anything so laid. For *jus Regis*, the right of a King, (which is urged against me too,) I never went further than the Scriptures lead me; nor did I ever think, that *jus Regis*, mentioned 1 Sam. viii.[i], is meant of the ordinary and just right of kings, but of that power which, such as Saul would be, would assume unto themselves, and make it right by power [l]. Die Decimo-quinto. 37

Then they say, I expunged some things out of it [k]. As first, 'the Sabbath,' and put instead of it 'the Lord's-day.' What's my offence? 'Sabbath' is the Jews' word, and the 'Lord's-day' the Christians'. Secondly, 'about evil counsellors to be used as Haman.' The passage (as there expressed) was very scandalous, and without just cause, upon the Lords of the Council. And they might justly have thought I had wanted discretion, should I have left it in. Thirdly, that I expunged this, 'that Popery is against the first and the second commandment.' If I did it, it was because it is much doubted by learned men whether anything in Popery is against the first commandment, or denies the unity of the Godhead. And Mr. Perkins (who charges very home against Popery) lays not the breach of the first commandment upon them [l]. "And when I gave Mr. Brown this answer, in his last reply, he asked 'why I left out both?' Why, I did it because its being against the second is common and obvious, and I did not think it worthy the standing in such a sermon, when it could not be made good against the first."

But they demanded, 'why I should make any animadversions at all upon the sermon?' It was thus. The sermon

[l] ['further than .... power.' on the opposite page. The Archbishop had originally written something different, which he erased.]

[i] 1 Sam. viii. 12.

[k] [The passages said to have been expunged are given in Prynne's Cant. Doom, p. 245.]

[l] Perkins, Opera, fol. p. 34. [tom. i, Cambr. 1608.]

le Decimo-quinto. being presented to his Majesty, and the argument not common, he committed the care of printing it to Bishop Mountain, the Bp. of London, and four other; of which I was one. And this was the reason of the 'animadversions' now called mine. As also of the answer 'to my predecessor's exceptions,' (now charged also) and called mine. But it was the joint answer of the Committee. And so is that other particular also, 'in which the whole business is left to the learned in the laws.' For though the 'animadversions' be in my hand, yet they were done at and by the Committee, only I being puny Bishop, was put to write them in my hand.

VII. The seventh charge was 'Dr. Manwaring's business and preferment.' It was handled before [m], only resumed here to make a noise, and (195) so passed it over.

VIII. The eighth charge was concerning 'some alterations in the prayers made for the fifth of November [n], and in the book for the Fast, which was published *an.* 1636 [o], and the prayers on Coronation-day.'

1. First for the Fast-book: the prayer mentioned was altered, as is expressed; but it was by him that had the ordering of that book to the press, not by me. Yet I cannot but approve the reason given for it, and that without any the least approbation 'of merit.' For the abuse of fasting, by thinking it meritorious, is the thing left out; whereas in this age and kingdom, when, and where, set fastings of the Church are cried down, there can be little fear of that erroneous opinion of placing any merit in fasting.

2. Secondly, for the prayers published 'for the fifth of November, and Coronation-day.' The alterations were made either by the King himself, or some about him, when I was not in court. And the books sent me with a command for the printing, as there altered. I made stay, till I might wait upon his Majesty. I found him resolved upon the 3
alterations; nor in my judgment could I justly except against them. His Majesty then gave warrant to the books themselves with the alterations in them, and so by his warrant I commanded the printing. And I then showed both the books to the Lords, who viewed them, and acknowledged his

[m] [See above, p. 83.]
[n] [See Prynne's Cant. Doom, p. 246.]
[o] [Ibid. pp. 249, 250.]

Majesty's hand, with which, not his name only, but the whole warrant was written [p]. Die Decimo-quinto.

And here I humbly desired three things might be observed, and I still desire it. First, with what conscience this passage out of my speech in the Star-Chamber [q] was urged against me (for so it was, and fiercely by Mr. Nicolas) to prove 'that I had altered the oath at the King's Coronation,' because the prayers appointed for the anniversary of the Coronation were altered. "Which is absolute nonsense." Secondly, he charged me 'that the word Antichristian was left out.' But that is visibly untrue, for it is left in. Thirdly, that though it be in, 'yet that the alteration takes it off from the Papist, as also their rebellion.' Neither: for the change is this, 'that Antichristian sect,' altered into 'the Antichristian sect of them which,' &c.; and, 'whose religion is rebellion,' altered into, 'who turn religion into rebellion.' By which it is manifest that the alteration takes off neither imputation from the Papist, but moderates both. And for aught I yet know, 'tis necessary it should. For if their religion be rebellion, see what it will produce. Is not this the syllogism? The religion of the Papist is rebellion: but Christianity is the religion of the Papist: therefore Christianity is rebellion. I may not enlarge; but you may see more, if you please, in my speech in the Star-Chamber [r]. "And when Mr. Brown in the sum of his charge pressed these alterations hard against me, he did not so much as mention, that I had the King's both warrant and command to all that I did in that particular: and besides, urged this as a great innovation, 'because the prayers mentioned had continued unaltered for the space of above thirty years.' Not remembering therewhile, that the Liturgy of the Church established by Act of Parliament, must be taken away, or altered, though it hath continued above fourscore. Nay, and Episcopacy must be quite abolished, though it have continued in the Church of Christ above sixteen hundred."

The ninth charge was from Sir Edward Hungerford, who came to Lambeth to have a little book licensed to the press. IX.

[p] [See Abp. Laud's Speech in the Star-Chamber, p. 34. Edit. 1637; and p. 75 in marg. in this reprint.]

[q] P. 32. [p. 75 in marg.]

[r] P. 36. [p. 76 in marg.]

Die Decimo-quinto. The author was Sir Anthony Hungerford [a], whether Sir Edward's grandfather or his uncle, I remember not the relation. He says, he came to my chaplain, Dr. Bray, to license it. And, 'that Dr. Bray told him there were some harsh phrases in it, which were better left out, because we were upon a way of winning the Papists.' First, I hope I shall not be made answerable for my chaplain's words too. And secondly, I hope there is no harm in winning the Papists to the Church of England: especially if so easy a cure, as avoiding harsh language, would do it. He says, 'my chaplain expressed a dislike of 'Guicciardin's censure of Pope Alexander the Sixth.' Sure if the censure be false, he had reason to except against it; if true, yet to publish such an unsavoury busi(196)ness to the common people [1]..... He says, 'he came and complained to me, and that I told him I was not at leisure, but left it to my chaplain.' So the charge upon me was, 'that 35 my chaplain was in an error concerning this book, and I would not redress it.' To this I answered: First, that my chaplain was dead, and I not knowing the reasons which moved him to refuse licensing this book, can neither confess him to be in an error, nor yet justify him. Secondly, for my own refusing to meddle with it, Sir Edward took me in a time of business, when I could not attend it. Thirdly, if I had absolutely refused it, and left it to my chaplain, I had done no more than all my predecessors did before me. And Dr. Featly then witnessed to the Lords, that Archbp. Abbot, my immediate predecessor, and to whom the Doctor was household chaplain, would never meddle with licensing books, but ever referred them to his chaplains: and Dr. Mocket, another of his chaplains, (well known to Dr. Featly,) suffered

[1] [Wharton printed this passage with marks of omission, as though the Archbishop meant to add more;—but there is no trace of this in the MS. Abp. Sancroft here notes, 'Imperfect period, or an Aposiopesis.']

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[a] [Sir Anthony Hungerford was originally brought up as a Romanist, but changed his religion in 1588. About 1607 he wrote the book mentioned in the text. It was entitled, "The Advice of a Son professing the Religion established in the present Church of England, to his dear Mother a Roman Catholic." This book was taken to be licensed in 1635; and on the Chaplain refusing to license it, was printed at Oxford in 1639. The passages which were objected to by the licenser are given by Prynne (Cant. Doom, pp. 252—254). Sir Edward Hungerford was the son, not nephew, or grandson, of Sir Anthony.]

for a book sharply [t]; yet not one word said to my predecessor about it. Fourthly, as the liberty of the press is in England, and of the books which are tendered to the press [1], the Archbishop had better grind, than take that work to his own hands, especially considering his many and necessary avocations. Lastly, no man ever complained to me in this kind, but this gentleman only. So it is one only single offence, if it be any. "But how this or the rest should be treason against Sir Ed. Hungerford, I cannot yet see. And so I answered Mr. Brown; who in his summary charge forgot not this: but Mr. Nicolas laid load upon me in his reply, in such language as I am willing to forget." Die Decimo-quinto.

The tenth charge was out of a paper of 'Considerations' to Dr. Potter, about some few passages in his answer to a book intituled, 'Charity mistaken [u].' The business this. Dr. Potter writ to me for my advice: I used not to be peremptory; but put some few things back to his further consideration. Of which, three were now charged upon me. 1. The first was, he used this phrase, 'believe in the Pope.' I desired him to consider of 'in.' And in this I yet know not wherein I offend. 2. The second was this phrase, 'the idol of Rome.' I advised him to consider this phrase too, that men might not be to seek what that idol was. "And here Mr. Nicolas cried out with vehemency, 'that every boy in the street could tell the Pope was the idol.' I had not Dr. Potter's book now at hand; and so could not be certain in what sense the Doctor used it; but else, as many, at least, think the Mass the idol of Rome, as 'the Pope:' unless Mr. Nicolas his boys in the streets think otherwise, and then I cannot blame him for following such mature judgments." 3. The third was, that I bid him consider whether 'the passage, p. 27,' (as I remem- X.

[1] ['and of . . . the press,' in margin.]

[t] [Richard Mocket published, in 1616, the Book of Common Prayer, Thirty-nine Articles, &c., in Latin, omitting the first clause of the 20th Article. The book was, probably on this account, sentenced to be burnt, which so weighed on his spirits that he died soon afterwards. (Wood, Ath. Ox. vol. ii. p. 232, and Heylin's Cypr. Angl. p. 70.)]

[u] [This book was written by Edward Knott, the Jesuit, to which Potter put forth a reply in 1633, entitled, 'Want of Charity justly charged,' &c. He was preparing a second edition (which appeared in 1634), for which purpose he consulted the Archbishop on several points, which are mentioned in Prynne's Cant. Doom, pp. 251, 252.]

Die Decimo-quinto. ber,) 'did not give as much power to the Parliament in matter of doctrine, as the Church.' "But my answer to this I shall put off to the charge against me concerning Parliaments, because there Mr. Brown began with this. The two former he charged also, and I answered them as before. But he omitted, that I obtained of the Lords the reading of Dr. Potter's letter to me, by which he drew from me those things which I determined not, but only put to his second thoughts and consideration. In which way (I humbly conceive) I cannot be in crime, though I were in error. Here ended the business of this day, and I was ordered to attend again June 27.

CAP. XXXVIII.

THE SIXTEENTH DAY OF MY HEARING.

THIS day I appeared again[a]; and the first charge laid against me, was 'my chaplain Dr. Bray's expungings out of Dr. Featly's Sermons.' The same charge *ad verbum* which was before[b], and I give it the same answer. These repetitions of the same things being only to increase clamour, and to fill more men's ears with it. Junii 27, 1644. Thursday. Die Decimo-sexto. I.

(197) The second charge was 'certain expunctions of some things against the Papists in Dr. Clark's Sermons[c].' The witness which swore to the passages left out, was one Mr. White, a minister[d], and it seems some near acquaintance of Dr. Clark's. But first, this witness is single. Secondly, he brought only a paper, in which he had written down what was expunged; but Dr. Clark's Sermons he brought not with it: so 'tis not impossible he might be mistaken: howsoever, I not having the book, could not possibly make an absolute and a perfect answer. Thirdly, this witness confesses, that Dr. Weeks, then chaplain to my Ld. of London, had the view of Dr. Clark's Sermons, and took exceptions against some passages, as well as my chaplain, Dr. Haywood, did. So it II.

[a] [The following entry in the Lords' Journals, refers to a point not noticed by the Archbishop:—

"Die Jovis, viz. 27° die Junii.

"The Committee of the House of Commons began to press the evidence of the Service Book of Scotland.

"The Archbishop desired his counsel might be heard before this be given in evidence, because of his plea.

"Hereupon they withdrew; and the House taking this into consideration, the House thought it fit that the evidence of this particular should be reserved to the House of Commons until they come to the thirteenth article; and then they should be heard on both sides, concerning this particular and the thirteenth article."]

[b] [See above, p. 241.]

[c] [Dr. Richard Clerke was a Fellow of Christ's Coll. Cambridge. He was one of the translators of the Bible, being entrusted, together with Dr. Saravia, with the portion from the Pentateuch to the Book of Chronicles. He was one of the six Preachers of Canterbury. His Sermons were published after his death, in 1637. A list of the passages expunged from these Sermons is given by Prynne, Cant. Doom, pp. 257, 258, 261—268, 270, 271.]

[d] [This was Charles White, one of the six Preachers of Canterbury, who wrote the Preface to Dr. Clerke's Sermons.]

Die Decimo-sexto.

seems there was cause for it. Fourthly, I answer, that for this, and for all other of like nature, my chaplain must answer for his own act, and not I. He is living, and an able man; I humbly desire he may be called to his account. For 'tis not possible for me to tell your Lps. upon what grounds he did expunge these many and different passages, which are instanced against me. Lastly, in all the passages of Dr. Clark's Sermons, it is not anywhere distinguished, which were expunged by my chaplain, and which by Dr. Weeks: so that the charge in that behalf is left very uncertain.

For the passages themselves, as they are many, so they are such as may easily be mistaken, the most of them. And whether Dr. Clark handled them in such manner as was not justifiable, either against Arminius or the Papists, cannot possibly be known, till each place in the book be examined for the 'thing,' and my chaplain, Dr. Haywood, for the 'meaning.' "This made a great noise in Mr. Brown's summary charge against me, he alleging, that two and twenty passages about points of Popery were dashed out of Dr. Clark's Sermons. To which I answered, that I conceived my chaplain would be able to make it good, there were two hundred left in for two and twenty left out. And that they which were left out, were not some way or other justifiable against the Papists, as set down and expressed by him. And if so, they are better out than in. For we gain nothing by urging that against the Papists, which, when it comes to the touch, cannot be made good against them."

One passage is here added out of Dr. Featly's Sermons, 36
p. 225 [c], where he inveighs against 'too much embellishing and beautifying the church, and not the souls of men,' &c. First, if there be not a care to beautify the soul, let men profess what religion they will, 'tis a just exception, and I believe no fault found with that. But, secondly, for the overmuch beautifying of the church, 'tis a point that might well be left out. Little necessity, God knows, to preach or print against too much adorning of churches among us, where yet so many churches lie very nastily in many places of the kingdom, and no one too much adorned to be found. Nay, the

[c] [Featley's Clavis Mystica, Serm. xvii. p. 225.]

very consecration of churches cried down (as is before expressed). And this opinion, 'that no place is holy but during the service in it,' made Mr. Culmer, though a minister, to piss in the cathedral church of Canterbury: and divers others to do so, and more, against the pillars in S. Paul's nearer hand, as may daily be both seen and smelt, to the shame of that which is called religion. "Here Mr. Nicolas would fain have shovelled it to the outside of the church (which had been bad enough), but it was the inside I spake of, and the thing is known." Die Decimo-sexto.

Then an instance was made in a book of Dr. Jones'[f]. The witness that anything was expunged out of this, was only Mr. Chetwin. And he confesses that this book was licensed by Dr. Baker[g], and he my Ld. of London's chaplain, not mine. Here my friends at the bar infer 'that Dr. Baker was preferred by me.' First, that's not so; he was preferred by his own lord. Secondly, if he had been preferred by me, it could have made no charge, unless proof had been made that I preferred him for abusing Dr. Jones his book. And for the 'docket,' which is the only proof offered that I preferred him, I have already showed, that that is no proof. Yea, but they say, 'Dr. Baker was employed by me as one (198) of my visitors.' And what then? Must I be answerable for every fault that is committed by every man that I employ in my visitation, though it be a fault committed at another time and place, though I humbly desire Dr. Baker may answer for himself, before I acknowledge any fault committed by him? "And though I conceive this answer abundantly satisfactory for anything that may concern me, yet Mr. Brown omitted not this instance against me[1]."

[1] ['And though . . . against me.' on opposite page.]

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[f] [Dr. William Jones, of East Bergholt, in Suffolk, wrote a Commentary on the Epistles to Philemon and the Hebrews. It was published in 1635. A list of the passages expunged is given by Prynne, Cant. Doom, pp. 255, 259, 260, &c.]

[g] [Samuel Baker, of Christ's Coll. Cambridge. He was successively Incumbent of S. Margaret Pattens, S. Christopher-le-Stock, S. Mary-at-Hill, and Southwold in Essex. On Oct. 29, 1636, he was collated to the Prebend of Totenhall in S. Paul's Church, and Oct. 20, 1638, he was installed Canon of Windsor, which canonry he resigned on being appointed Prebendary of Canterbury in 1639. He assisted in the Polyglott Bible. (Walker's Sufferings, par. ii. p. 7.)]

Die Decimo-sexto. III.

The third charge was personally against myself, and taken out of my speech in the Star-Chamber[h]. The words these: 'The altar is the greatest place of God's residence upon earth, greater than the pulpit; for there 'tis *Hoc est corpus meum*, This is my body; but in the other it is at most but *Hoc est verbum meum*, This is my word: and a greater reverence is due to the body, than the word of the Lord.' Out of this place, Mr. Nicolas would needs enforce, that I maintained transubstantiation; because I say, 'there, 'tis *Hoc est corpus meum*.' First, I perceive by him, he confounds (as too many else do) Transubstantiation with the Real Presence, whereas these have a wide difference. And Calvin grants a real and true presence, yea, and he grants *realiter* too; and yet no man a greater enemy to transubstantiation than he. As I have proved at large in my book against Fisher[i], and had leave to read the passage therein to the Lords. And Mr. 36 Perkins avows as much[k]. And, secondly, the word 'there' makes nothing against this. For after the words of consecration are past, be the minister never so unworthy, yet 'tis infallibly *Hoc est corpus meum* to every worthy receiver. So is it not *Hoc est verbum meum*, from the pulpit to the best of hearers, nor by the best of preachers since the Apostles' time. "And as preaching goes now, scarce is anything heard from many[l] in two long hours, that savours of the word of God." And St. Paul tells us, 1 Cor. xi.[l], of a great sin committed in his time, 'of not discerning the Lord's body,' when unworthy communicants received it. Where was this? Why it was 'there,' at the holy table or altar, where they received, yet did not 'discern.' I hope for all this St. Paul did not maintain transubstantiation. "Mr. Brown in his summary charge pressed this also upon me. I answered as before, and added, that in all ages of the Church, the touchstone of religion was not to hear the word preached, but to communicate. And at this day, many will come and hear sermons, who yet will not receive the communion together. And as I call

[l] ['from many' in margin.]

[h] P. 47. [p. 78 in margin.]

[i] Contr. Fisher, [sect. 35.] p. 292, [Edit. 1639; p. 327, Oxf. 1849.]

[k] Perkins, Opera, in fol. p. 590. [tom. i. pp. 582—586. Cambr. 1608.]

[l] 1 Cor. xi. 29.

the holy table the greatest place of God's residence upon earth; so doth a late learned divine [m] of this Church, call the celebration of the Eucharist, 'the crown of public service, and the most solemn and chief work of Christian assemblies;' [n] and he a man known to be far from affecting Popery in the least. And all divines agree in this, which our Saviour Himself teaches, St. Matt. xxvi., 'that there is the same effect of the passion of Christ, and of this blessed sacrament worthily received [1 o].'" Die Decimo-sexto.

Another passage taken out of my speech was, 'that due reverence be given to God and to His altar [p].' Hence Mr. Nicolas infers again: 'This reverence is one joint act, therefore 'tis divine to the altar, as well as to God, and so idolatry.' First, the very next words in my speech are, that this reverence to the altar comes 'far short of divine worship.' What can prevent an objection, if such plain words cannot? Secondly, having thus plainly expressed it, he may infer too, if he will, that I do not then worship God. For this reverence is one joint act; but 'tis confessed, that 'tis not divine worship to the altar, and therefore not to God. "But, thirdly, this gentleman, by his favour, understands not the mysteries which lie hid in many parts of divinity. In this for one." For when this reverence is performed, 'tis to God as to the Creator, and so divine: but 'tis only 'toward,' not 'to' the altar, and so far short. And though in outward performance it be one joint act, yet that which is not 'separated,' is, and must be distinguished one from the other. To make a good work acceptable to God, there must be both faith and charity: they cannot be separated one from the other; what,

[1] ['And as I . . . worthily received.' on opposite page.]

[m] [Herbert Thorndike was at this time Fellow of Trinity College, Cambridge. He held the living of Claybrooke in Leicestershire, and was soon after Rector of Barley, and, in 1643, failed in obtaining the Mastership of Sidney Sussex College, though elected by a majority of votes. During the Rebellion he was employed as a coadjutor of Walton in editing the Polyglott, and was supported by the munificence of Lord Scudamore. After the Restoration, his highest preferment was a stall in Westminster Abbey, which he held till his death in 1672. (Todd's Life of Walton, vol. i. pp. 209 seq.)]

[n] Thorndike, 'Of Assemblies,' c. viii. p. 260, § 7. London, 1642. [Works, vol. i. p. 274. Oxf. 1844.]

[o] St. Matt. xxvi. 26. "Idem est effectus Passionis Christi et Eucharistiæ." — [S.] Thom. [Aquin. Summ. Theol.] p. iii. q. lxxix. A. 1. c.

[p] P. 49. [p. 78 in marg.]

le Deci-o-sexto. shall they not therefore be distinguished [q]? He that speaks (saith St. Aug.), by one joint act sends out his voice and his word [r]; separated they cannot be, shall not they be distinguished therefore? But I have lived long enough [1], and taken pains to small purpose, if Mr. Nicolas or any layman else, at his by (199) and leisure hours, from a busy profession, shall be able to teach me in that which I have laboured all my life. And God bless the poor bishops and clergy of 36 England, if falling into a storm (as I now am) they must have such judges as Mr. Nicolas.

IV. The fourth charge, 'is the licensing of Sales', and other books which had Popery in them [2], by my chaplain, Dr. Haywood [s]. 1. To this Mr. Pryn (who is the single witness) says, 'that he tendered a bill to the then Ld. Keeper against my chaplain for licensing this book, and that his Lp. refused it.' If the Ld. Keeper Coventry refused his bill, I believe, were he living, he would assign just cause why he did it. But whatever cause he had, it concerns not me, that he rejected the bill. Mr. Pryn says further, 'that this book of Sales' was printed heretofore, but purged first by Dr. James; but licensed now by Dr. Haywood, not according to that purgation, but with all the points of Popery in.' For this he produces Mr. Oakes, whose son printed it. And says further, 'that his corrector at the press found fault with some passages, and thereupon he was sent to Dr. Haywood, who returned answer (as they say) that if he licensed it, he would justify it. And that his son told him this [t].' First, my Lords, this under-testimony of Mr. Oakes produced by Mr. Pryn, is nothing but a hearsay from his son, who is now dead, and cannot be examined, and while he was living ran away and would not be examined. Secondly, this was a most notable piece of villany practised against my chaplain, and through his sides against me. It was thus, my Lords: Whether the

[1] ['enough,' in margin.]

[2] ['and other . . . them' in margin.]

[q] "In bono opere Deo acceptabili, fides et charitas distinguuntur, non separantur."

[r] "Qui loquitur, simul facit vocem et verbum."—St. Aug. lib. i. de Gen. ad Lit. cap. 15. [Op., tom. iii. col. 215 B. S. Augustine's exact words are: "Quamvis utrumque simul, qui loquitur, faciat."]

[s] [See Laud's Letter in Hist. of Chancellorship, Works, vol. v. p. 167.]

[t] [See Prynne's account of this business, Cant. Doom, pp. 186, 187.]

bill were rejected or no, I cannot tell; but the complaint of printing this book came publicly into the Star-Chamber. And then was the first time that ever I heard of it. I then humbly desired their Lps. that Dr. Haywood might answer whatever he had done amiss, either there or where they pleased. The court presently commanded Mr. Attorney Bankes to call all parties before him, examine them thoroughly, and then give his account what he found, that the court might proceed further according to justice. Dr. Haywood appeared, and showed Mr. Attorney how he had corrected Sales in all Popish points before he licensed it. But young Oakes, and he which brought Sales to be licensed (who was then thought to be some Jesuited recusant, and, as I remember, lodged for that time of printing, in Oakes his house [w]), ran both away, or hid their heads, and would not be found. And this was a mere plot of this recusant, if not priest, to have Sales printed, with all his points of Popery in him, to work mischief to my chaplain and myself. And young Oakes was in all likelihood well paid for his pains. This account Mr. Attorney brought into that court, and this relation Dr. Haywood (who I obtained might be after sent for) attested at this bar [x]. Die Decimo-sexto.

One circumstance my old decayed memory mistook. For I thought, and so at first told the Lords, that for this clamour raised upon him in this way, I did soon after dismiss him my house. But after, I found that he was gone out of my house before. Howsoever I left him, without any mediation, to the justice of the court. And here I may not forget that which I then observed to the Lords, that whereas 'tis urged, that many points of Popery have passed the press; 'tis no wonder, if such art be used as was here to get out Sales. And this further is observable, that all these 'quotations of Popish opinions,' mentioned here to fill up the noise, are out of four or five books at the most, of which more are out of this Sales than all the rest. "And called in he was, as soon as known. Which Mr. Brown in the sum of his charge acknowledges."

[w] [His name was Burrowes. See Laud's Letter mentioned above, note [s].]

[x] [This statement agrees with what is mentioned in a letter from Garrard to Lord Wentworth (afterwards Earl of Strafford). (Strafford's Letters, vol. ii. p. 74.)]

Die Decimo-sexto.

2. After Sales, the next instance was in a book intituled, 'Christ's Epistle to the devout Reader [y].' Four particular points were urged out of this: but neither I nor my chaplains had aught to do with it. For it was licensed at London-House by Dr. Weeks. Nor was there ever any complaint brought to me to have it called in: nor was any such proof so much as offered.

(200) 3. The third instance was of a book called 'The Female Glory [z],' where Mr. Pryn (who is single again) said that 'Dr. Heylin answered Mr. Burton, and justified all the passages in this book.' And added, 'that this was by my direction.' But upon my motion at the bar concerning the boldness of this oath, Mr. Pryn recalled himself, and said that I appointed him to answer Mr. Burton. But it is one thing to appoint him to answer Mr. Burton: and another to direct him to justify all passages in the 'Female Glory.'

4. The fourth instance was in a letter sent to me from one Croxton, a young divine in Ireland [a]. He was bred in St. John's College in Oxford. At the Lord Mount-Norris [b] his entreaty, I sent Croxton into Ireland to be his chaplain. If he miscarried there, I could not help it, nor hinder his writing of a letter to me, nor prescribe what he should write in it. But, to my remembrance, I never heard of any miscarriage of his in matter of religion. And whether he be living or dead, I know not. That letter indeed hath a cross

[y] [Prynne gives the title of the book, 'An Epistle, or Exhortatory Letter from Jesus Christ for every Faithful Soul devoutly affected,' and says that the author was John Lanspergius, a Carthusian. (Cant. Doom, pp. 186, 188.)]

[z] ['The Female Glory; or, the Life of the Virgin Mary,' was published by Anthony Stafford in 1635. In the second edition it was entitled, 'The Precedent of Female Perfection; or,' &c. It was attacked by Henry Burton, in his sermon entitled, 'For God and the King,' pp. 123—125, and was defended by Heylin in his 'Brief and Moderate Answer to Henry Burton,' pp. 123, 124. Wood mentions that he had seen in MS. 'A just Apology and Vindication of a Book entitled, "The Female Glory,"' by Stafford himself, but he did not know whether it had ever been published. (Wood, Ath. Ox. iii. 33.)]

[a] [James Croxton was elected from Merchant Tailors' School to S. John's, Oxford, in 1622. (Wilson, Merchant Tailors' School, p. 1193.) He is mentioned several times in the correspondence of Archbishop Laud and Lord Strafford. He took an active part in opposing the Irish Articles in the Irish Convocation of 1634. His letter mentioned in the text, which speaks of his practice in inviting his people to confession, is given in Prynne (Cant. Doom, pp. 194, 195). On his leaving Lord Mountnorris he was taken under the patronage of Lord Strafford and Bishop Bramhall. (Bramhall's Works, vol. i. p. lxxxiii.)]

[b] [Francis Annesley, created Baron Mountnorris in 1628.]

at the top of it. But then was another letter of his showed without a cross, in which he calls Rome *monstrum abominandum*. Howsoever, I conceive all this is nothing to me[c]. Die Decimo-sexto.

5. The fifth instance was a book, which they said was licensed by Dr. Weeks. And if so, then not by my chaplain. But upon perusal, I find no licence printed to it, nor to any of the other, but only to Sales', which is answered.

6. The sixth instance was in Bp. Mountague's books, the Gagg[d], and the Appeal[e]. Here they said that 'Dr. White told Dr. Featly that five or six bishops did allow these books.' But he did not name me to be one of them. Then Mr. Pryn urged upon his oath, 'that these books were found in my study.' And I cannot but bless myself at this argument. For, I have Bellarmine in my study[f]; therefore I am a Papist: or, I have the Alcaron in my study; therefore I am a Turk; is as good an argument as this: I have Bp. Mountague's books in my study; therefore I am an Arminian. May Mr. Pryn have books in all kinds in his study, and may not the Archbp. of Canterbury have them in his? Yea, but he says, 'there is a letter of the bishop's to me, submitting his books to my censure[g].' This letter hath no date; and so belike Mr. Pryn thought he might be bold both with it and his oath, and apply it to what books he pleased. But, as God would have it, there are circumstances in it as good as a date. For 'tis therein expressed, that he was now ready to remove from Chichester to Norwich; therefore, he must needs speak of submitting those his books to me, which were then ready to be set out, which were his *Origines Ecclesiasticæ*[h], not the

[c] [Laud, in his letter to Strafford, July 20, 1638, expressly states his disapproval of Croxton's conduct in the matter of confession.]

[d] [The title of the book is, 'A Gagg for the New Gospel? No, a New Gagg for an Old Goose, &c. London, 1624.']

[e] [The title of the book is, 'Appello Cæsarem, a just Appeal from two unjust Informers. London, 1625.' The proceedings against Montagu are noticed in the Notes to the Diary, Works, vol. iii. pp. 167, 178, 180, 182.]

[f] [The copy of Bellarmine's works which belonged to Archbishop Laud is now in the library of S. Sepulchre's, commonly called Archbishop Marsh's Library, Dublin, copiously annotated in his own hand. The volumes originally belonged to Bishop Stillingfleet, whose whole library was purchased by Archbishop Marsh. These notes of Archbishop Laud are referred to by Bishop Stillingfleet in the Preface to his Discourse on the Idolatry of the Church of Rome.]

[g] [This letter is recorded in Prynne, Cant. Doom, p. 351, who mentions that it was received by the Archbishop, March 29, 1638, thus bearing out the statement below in the text.]

[h] [This was the second part of the 'Origines Ecclesiasticæ,' which was published in 1640, the first part having

Die Decimo-sexto.

Gagg, nor the Appeal, which are the books charged, and which were printed divers years before he was made a bishop; and my receipt endorsed upon it is Mar. 29, 1638[1]. And I hope Mr. Nicolas will not call this 'the colour of an answer,' as he hath called many of the rest given by me.

7. The seventh instance was in a book licensed by Dr. Martin[i], then my chaplain in London-House[k]. 'This book,' Mr. Pryn says, 'was purposely set out to countenance Arminianism, as if it had been some work of moment, whereas it was answered twice in the Queen's time[1].' If Dr. Martin did this, 'tis more than I remember; nor can I so long after give any account of it. But Dr. Martin is living, and in town, and I humbly desired he might be called to answer. He was called the next day, and gave this account.

The account is wanting; a space[m] *left for it, but not filled up.*

Mr. Pryn says further, 'that after this he preached Arminianism at S. Paul's Cross.' Why did not Mr. Pryn come then to me, and acquaint me with it? which neither he nor any man else did. And I was in attendance at court, whither I could not hear him. And the charge which came against him upon the next day's hearing, was this and no more,—'that one then preached at the Cross universal redemption;' but he that gave testimony knew him not; only he says, 'one told him 'twas Dr. Martin[2].'

[1] ['and my receipt . . . 1638.' in margin.]
[2] ['And the charge . . . Dr. Martin.' on opposite page.]

appeared in 1636. It appears from Montagu's letter that the portion of the book which he submitted to the Archbishop's censure was that which related to the sacrifice of the altar.]

[i] [Dr. Martin was Master of Queens' College, Cambridge, Rector of Houghton Conquest and of Dinnington, and Dean of Ely. He suffered severely during the Rebellion, and died in August, 1661. A long account of his sufferings is given in Lloyd's Memoirs, and Walker's Sufferings. The Archbishop bequeathed him by his will his 'ring, with a hyacinth in it.']

[k] [The book licensed by Dr. Martin was, 'An Historical Narrative of the Judgment of some most learned and godly English Bishops, holy Martyrs, and others, concerning God's Election, and the Merits of Christ's Death: set forth by I. A. of Ailward (a late Seminary Priest); and printed for Samuel Nealand. 1631.]

[1] [Prynne asserts that this book was written by Champneys, and that it was answered by John Veron and Robert Crowley. (Cant. Doom, pp. 168, 169.) Crowley's answer is mentioned under his name by Wood, (Ath. Ox. i. 544.)]

[m] [This space is a very short one, only leaving room for a single word, unless the Archbishop meant to write on the opposite page.]

8. The last instance was 'of a Bible commonly sold, with a Popish table at the end of it[n].' This is more than I know, or ever heard till now; nor was any complaint ever brought to me of it. And I cannot know all things that are done abroad for gain; for that will teach them to conceal, as well as move them to act. Yet one of the (201) Popish heads mentioned in that table was confirmation, which is commanded in our Church Liturgy, and ratified by law. Die Decimo-sexto.

Here this day ended[o], and I was ordered to appear again July 4. That day I received a note, under Mr. Nicolas his hand, that they meant to proceed upon the 8, 9, 10, 11, 12, and 14th Original Articles, and the sixth and seventh Additionals. The last warrant for other Articles came under Sergeant Wild's hand, and Mr. Nicolas signing this, it seems, mistook; for the eighth and ninth Original Articles are in part proceeded on before. Now they go forward with these, and then on to the rest, which I will write down severally as they come to them[1]. Julii 4.

The same day, being Thursday, all my books at Lambeth were, by order of the House of Commons, taken away by Mr. . . . . secretary to the Right Honourable the E. of Warwick, and carried I know not whither, but are (as 'tis commonly said) for the use of Mr. Peters[p]. Before this time, some good number of my books were delivered to the use of the Synod, the ministers which had them giving no catalogue under their hands, which or how many they had. And all this was done contrary to an order of the Lords, bearing date Novemb. 9, 1642, for the safe keeping of my books there[q]; and before I was convicted of any crime. This day also I received an order, which put off my hearing to the next day.

[1] ['The last warrant . . . them.' on opposite page.]

[n] [See this point urged by Prynne, (Cant. Doom, pp. 243, 244.)]

[o] [The following order was made at the afternoon sitting of the House of Lords:—

"Die Jovis, 27° die Junii, post meridiem.

"Ordered, that Mr. Marshall, Mr. Herle, Mr. Vynes, and Mr. Chambers, are to view and peruse the sermons of Dr. Featly, Dr. Clerke, and the rest of the books that were given in evidence this day against the Archbishop of Canterbury, with the expungings; and deliver their judgments, whether they are fit to be printed with the expungings."]

[p] [See above, p. 66, note [m].]

[q] [See Diary at that date, Works, vol. iii. p. 247.]

CAP. XXXIX.

THE SEVENTEENTH DAY OF MY HEARING.

I. Julii 5, 1644, Friday. Die Decimo-septimo.

THIS day I appeared again; and the first charge against me was, 'that I had preferred none to bishoprics, deaneries, prebends, and benefices, but men popishly affected, or otherwise unworthy.' And some they named.

1. As first, Dr. Manwaring, 'disabled by the Parliament[a].'

2. Secondly, Mr. Mountague, 'excepted against by Parliament[b].' But for these no proof was now brought. They referred themselves to what was said before[c], and so do I. And where they go to prove only by dockets, I desire it may still be remembered that the docket is a full proof who gave order for drawing the bill at the Signet Office; but no proof at all who procured the preferment.

3. Thirdly, Bishop Corbet[d]. But the Earl of Dorset[e] got my Ld. Duke of Buckingham to prefer him, to make way for Dr. Duppa, his deserving chaplain, into Christ Church[f]. Nor was anything charged against Dr. Corbet, but that he was preferred by me.

4. Fourthly, Bp. Pierce[g]; against whom there was no proof offered neither. And he is living to answer it, if any be.

5. Nor was there now any proof offered against Bp. Wren[h], who was named also; at the least, not till he was made a

[a] [See Works, vol. iii. pp. 207, 213.]

[b] [Ibid. pp. 167, 178, 180.]

[c] [See above, p. 273.]

[d] [Richard Corbet, elected Bishop of Oxford Sept. 24, 1628, (not July 30, 1629, as stated by Wood, Ath. Ox. ii. 594;) he was elected Bishop of Norwich April 7, 1632, and died in 1635.]

[e] [Edward Sackville.]

[f] [Duppa became Dean of Christ Church, October 24, 1628. (Rymer, Fœd. VIII. iii. 28.)]

[g] [William Pierce first came into public notice by opposing the Calvinistic party, during the time he was Vice-Chancellor of Oxford, 1621—1623. He was successively Dean of Chester and Peterborough, Bishop of Peterborough, and Bishop of Bath and Wells. He has been already noticed in connexion with the Beckington case and the Book of Sports. See above, pp. 121, 133.]

[h] [Successively Bishop of Hereford, Norwich, and Ely. He was during the great Rebellion imprisoned nearly twenty years. At the Restoration he regained his Bishopric of Ely, and died in 1667.]

bishop. So if I did prefer him, it seems I did it when nothing was laid against him. And if after he had his preferment he did anything unworthily, that could not I foresee; and he is living to answer it. Die Decimo-septimo.

6. The sixth was Bishop Lindsy[i], a man known to be of great and universal learning, but preferred by the then Lord Treasurer Portland[j], not by me. Him they charged with Arminianism. The witnesses two: the first, Mr. Smart[k]; he is positive. He was his fellow prebendary at Durham. There was animosity between them. "And Smart not able to judge of Arminianism." Secondly, Mr. Walker[l], who could say nothing but that he heard so much from some ministers and Dr. Bastwick[m]. "So here is as learned a man as Christendom had any of his time, debased in this great and honourable court by ignorance and a hearsay; and that when the man is gone to that which should be his quiet, the grave."

7. The seventh was Archbishop Neile[n], a man well known to be as true to, and as stout for, the Church of England established by law as any man that came to preferment in it. Nor could his great enemy, Mr. Smart, say anything now against him but a hearsay from one Dr. Moor, of Winchester[o]. And I cannot but profess, it grieves me much to hear so many honest and worthy men so used, when the grave hath shut up their mouths from answering for themselves.

8. The next was Dr. Cosin, to be Dean of Peterborough[p]. I named four of his Majesty's chaplains to him,

[i] [Augustine Lindsell. See a further notice of him, vol. iii. p. 152.]

[j] [See above, p. 227, note [s].]

[k] [Peter Smart was collated to the sixth stall in Durham Cathedral, Dec. 30, 1609; and July 6, 1614, removed to the fourth. He had been deprived of his stall for a seditious sermon. At the beginning of the Long Parliament he was restored to his preferments, and in his turn presented articles against Bishop Cosin. (See above, p. 40, note [q].) He appears to have lived till 1652. (Wood, Ath. Ox. iii. 40.) See Smart's testimony against Lindsell, Prynne, Cant. Doom, p. 360.]

[l] [George Walker. See above, p. 82.]

[m] [John Bastwick, of whom more in vol. vi.]

[n] [Richard Neile was successively Bishop of Rochester, Lichfield, Lincoln, Durham, Winchester, and Archbishop of York. He died Oct. 31, 1640.]

[o] [This was Robert Moor, Prebendary of Winchester. Wood informs us that he had 'divers contests with Neile, his Diocesan, for his introducing certain ceremonies into the Cathedral at Winchester.' (Ath. Ox. ii. 654.)]

[p] [Cosin was installed Dean of Peterborough, Nov. 7, 1640. The preferments he held in the north were

Die Decimo-septimo.

as he had commanded me. And the King pitched upon Dr. Cosens, in regard all the (202) means he then had lay in and about Duresm, and was then in the Scots' hands; so that he had nothing but forty pound a-year by his headship in Peter-House to maintain himself, his wife, and children.

9. The ninth was Dr. Potter, a known Arminian, to the deanery of Worcester[q]. What proof of this? Nothing but the docket. And what of the crime? Nothing but Dr. Featly's testimony, who says no more but this, that Dr. Potter was at first against Arminianism (that's absolute), but afterwards he defended it, as he hath heard: (there's a hearsay.)

10. The tenth was Dr. Baker[r].

11. The eleventh, Dr. Weeks[s]. Both very honest and able men, but preferred by their own lord, the Ld. Bishop of London.

12. The twelfth was Dr. Bray[t]. He had been my chaplain above ten years in my house. I found him a very able and an honest man, and had reason to prefer him to be able to live well; and I did so. Here is nothing objected against him, but his expungings and not expungings of some books; which, if he were living, I well hope he would be able to give good account for.

13. The thirteenth, Dr. Heylin[u]. He is known to be a learned and an able man; but for his preferment, both to be his Majesty's chaplain and for that which he got in that service, he owes it under God to the memory of the Earl of Danby, who took care of him in the University.

14. After these they named some, whom they said I preferred to be the King's chaplains. The witness here Mr. Oldsworth, the Lord Chamberlain's secretary[v]. He says, 'the power and practice of naming chaplains was in the Lord Chamberlain for these 25 years.' And I say, 'tis so still, for

the Archdeaconry of the East Riding, the Rectory of Brancepeth, and a stall in Durham Cathedral.]

[q] [Christopher Potter, Provost of Queen's College, Oxford, was appointed chaplain to the King, and nominated to the Deanery of Worcester in the year 1635, from which he was removed to the Deanery of Durham in January 1645, but died before his installation. (Wood, Ath. Ox. iii. 180.)]

[r] [See above, p. 283.]

[s] [See above, p. 239.]

[t] [See above, p. 85.]

[u] [Ibid.]

[v] [Michael Oldsworth, of Magdalen College, appointed secretary to Philip Earl of Pembroke and Montgomery in Oct. 1637. He had been previously secretary to William Earl of Pembroke. (Strafford Letters, vol. ii. p. 115.) He was at this time M.P. for Salisbury. (Wood, F. O. i. 356.)]

aught I know. He says, 'that in all things concerning which the Lord Chamberlain's warrant went in this form,— 'These are to will and require you, &c.,' that there his Lp. did it without consulting the King; and that the warrants for chaplains run all in this form.' First, this is more than I know or ever heard of till now. Secondly, be it so; yet 'tis hard to deny the King to hear men preach before they be sworn his chaplains, "if his Majesty desire it, since it argues a great care in the King, especially in such a factious time as began to overlay this Church." Thirdly, he confesses, 'that he knows not who put the King upon this way; but believes that I did it.' He is single, and his belief only is no evidence. "And whosoever gave the King that advice deserved very well both of his Majesty and the Church of England: that none might be put about him in that service but such as himself should approve of. But that which troubled this witness was another thing. He had not money for every one that was made chaplain; nor money to get them a month to wait in; nor money to change their month, if it were inconvenient for their other occasions; nor money for sparing their attendance, when they pleased. In which, and other things, I would he had been as careful of his lord's honour as I have been in all things. For 'tis well known in court, I observed his Lp. as much as any man." Die Decimo-septimo.

The men which are instanced in, are Dr. Heylin. But he
8 was preferred to that service by my Lord the E. of Danby[x]. Then Dr. Potter. But the Ld. Keeper Coventry was his means. Dr. Cosens was preferred by Bishop Neile, whose chaplain he had been many years, and he moved the Ld. Chamberlain for it. Dr. Lawrence[y] was my Ld. Chamberlain's own chaplain, and preferred by himself; and in all likelihood, by Mr. Oldsworth's means: for he was Fellow of Magdalen College, in Oxford, as Mr. Oldsworth himself was, and he once (to my knowledge) had a great opinion of him. Dr. Haywood[z], indeed, was my chaplain; but I preferred

[x] [Heylin's original appointment as King's chaplain is preserved in MS. Rawl. Miscell. 353. (Wood, Ath. Ox. iii. 568.)]

[y] [Thomas Lawrence, Master of Balliol College, and Lady Margaret's Professor of Divinity. It does not appear from Wood's account (Ath. Ox. iii. 437) that he was ever Fellow of Magdalen College, as stated below.]

[z] [See above, p. 210.]

Die Decimo-septimo.

him not to his Majesty till he had preached divers times in court with great approbation; nor then, but with my Ld. Chamberlain's love and liking. (203) As for Dr. Pocklington[a], I know not who recommended him; nor is there any proof offered that I did it.

15. Then they proceeded to my own chaplains. They name four of them: first, Dr. Weeks. But he was never in my house, never meddled with the licensing of any books, till he was gone from me to the Bishop of London: so he is charged with no fault so long as he was mine. The second, Dr. Haywood. But he is charged with nothing but Sales, which was a most desperate plot against him, as is before showed[b]. The third was Dr. Martin[c]. Against him came Mr. Pryn, for his Arminian sermon at S. Paul's Cross. But that's answered before. And Mr. Walker[d], who said, 'he proposed Arminian questions to divers ministers.' Belike, such as were to be examined by him. But he adds, 'as these ministers told him.' So 'tis but a hearsay[1]. And say he did propose such questions; may it not be fit enough to try how able they were to answer them? The fourth was Dr. Bray. Against him Dr. Featly was again produced, 'for that which he had expunged out of his sermons.' But when I saw this so often inculcated to make a noise, I humbly desired of the Lords that I might ask Dr. Featly one question. Upon leave granted, I asked him, Whether nothing were of late expunged out of a book of his written against a priest[e]? and desired him to speak upon the oath he had taken. He answered roundly, 'that divers passages against the Anabaptists, and some in defence of the Liturgy of the Church of England, were expunged.' I asked, By whom? He said, 'By Mr. Rouse and the Committee,' or, 'By Mr. Rouse or the Committee.' Be it which it will, I observed to the Lords, that Mr. Rouse and the Committee might expunge passages against the Anabaptists, nay, for the Liturgy established by law, but my chaplains may not expunge anything against the Papists, though perhaps mistaken.

[1] ['But he adds, . . . hearsay.' in margin.]

[a] [See above, p. 266.]
[b] [See above, p. 286.]
[c] [See above, p. 290.]
[d] [See above, p. 293.]
[e] [The book referred to appears to be, 'Roma ruens, or an Answer to a Popish Challenge,' which was published in 1644.]

From thence they fell upon men, whom they said I had preferred to benefices. They named but two. Dr. Heylin was one again, whom I preferred not. The other was Dr. Jackson, the late President of Corpus Christi College, in Oxford[f]. Dr. Featly being produced, said, 'Dr. Jackson was a known Arminian.' If so to him, 'tis well: the man is dead, and cannot answer for himself. Thus far I can for him, without meddling with any his opinions. He was very honest and very learned; and at those years he was of, might deserve more than a poor benefice. Die Decimo-septimo.

16. Here Mr. Pryn came in again, and testified very boldly, 'that I gave many benefices, which were in the gift
9 of the Master of the Wards: and all preferments, only to such men as were for ceremonies, Popery, and Arminianism.' For the first of these two, the business was thus: there arose a difference between the then Ld. Keeper Coventry and the Ld. Cottington, then Mr. of the Wards, about the disposing of those benefices. It grew somewhat high, and came to hearing by the King himself. His Majesty, upon hearing, gave the right of sealing to the Ld. Keeper; but for the time, till more might appear, reserved the giving to himself, that he might have some of those lesser preferments to bestow on such ministers as attended upon his navy then at sea. I never gave any one of these benefices in my life. And that this story is of truth, the Lord Cottington is yet living, and can witness it. "And this very answer I gave to Mr. Brown, who in summing up the charge laid this also upon me, and without mentioning what answer I gave to it[1]." For the second, 'that I preferred none but such men;' 'Tis known I preferred Bishop Hall to Exeter[g]; Dr. Potter to Carlisle[h]; Dr. Cook to Bristol[i] first, and then to Hereford; that I gave Dr. Westfield the Archdeaconry of S. Alban's[k];

[1] ['And this very . . . it.' on opposite page.]

[f] [Dr. Thomas Jackson was, in addition to his headship, Prebendary of Winchester, Vicar of Witney, and Dean of Peterborough. He was the well-known author of the Commentaries on the Creed, &c. (Wood, Ath. Ox. ii. 664, seq.)]

[g] [Dr. Joseph Hall, elected Bishop of Exeter, Nov. 5, 1627, translated to Norwich, Nov. 15, 1641.]

[h] Dr. Barnabas Potter, consecrated Bishop of Carlisle, March 15, 1628.]

[i] [George Coke, elected Bishop of Bristol, Nov. 28, 1632, translated to Hereford, June 18, 1636.]

[k] [Nov. 14, 1631. Westfield was in 1641 Bishop of Bristol.]

die Decimo-septimo.

that I was Dr. Fell's means for Christ Church[l]; and Dr. Higgs his for the Deanery of Lichfield[m]; that I settled Dr. Downing at Hackney[n]; and Mr. Herrick at Manchester[o], when the Broad Seal formerly given him was questioned; that I gave two of my own benefices to Mr. Palmer[p] and Mr. Taylor[q], two of the now Synod; an hospital to Dr. Jackson of Canterbury[r]; and a benefice to his son-in-law, at his suit. I could (204) not name all these upon the sudden, yet some I did; and no one of them guilty of this charge in the least. "Mr. Brown in his summary said 'I could name but one or two.' And when in my answer made in the House of Commons I specified more, among which Mr. Palmer was one; Mr. Brown said in his reply, 'that Mr. Palmer had indeed his benefice of my giving, so himself told him[l]; but it was at the entreaty of a great nobleman.' Say it were: Mr. Palmer was then a stranger to me; somebody must speak, and assure me of his wants and worth, or I cannot give. But if upon this I give it freely, is it worth no thanks from him, because a nobleman spake to me? Let Mr. Palmer rank this gratitude among his other virtues."

17. From hence they stepped over into Ireland, and objected 'my preferring of Dr. Chappel to be Mr. of the College at Dublin[s].' Here the first witness is Mr. Walker. He says,

[l] ['so himself told him;' in margin.]

[l] [Appointed Dean of Christ Church, June 24, 1638.]

[m] [Griffin Higgs had been chaplain to the Queen of Bohemia; on his return to England he was appointed, by Laud's interest, Rector of Cliff, near Dover, Precentor of S. David's, and in 1638 Dean of Lichfield. (Wood, Ath. Ox. iii. 479—481.)]

[n] [Calibute Downing appears to have obtained Hackney in exchange for West Ilsley, Berks. Early in the Rebellion he advocated the doctrine of resistance; and at last, for his seditious preaching, earned the title of 'Hugh Peters the Second.' (Wood, Ath. Ox. iii. 106, 107.)]

[o] [Richard Heyrick, (son of Sir W. Heyrick, a friend and correspondent of Archbishop Laud, see Letters, vol. vi.) of S. John's College, Oxford, and afterwards Fellow of All Souls, and Warden of Manchester. Subsequently he sided with the Presbyterians, was one of the Assembly of Divines, implicated in Love's plot, and assistant to the Commissioners in Lancashire for the ejection of scandalous ministers. (Wood, Ath. Ox. iii. 78.)]

[p] [Herbert Palmer, of Ashwell. He was afterwards Master of Queen's College, Cambridge, in the room of Dr. Martin.]

[q] [Francis Taylor, of Yeldon.]

[r] [See above, p. 223.]

[s] [William Chappell, of Christ's College, Cambridge. In 1633 he was promoted to the Deanery of Cashel, in 1634 to the Provostship of Trinity College, Dublin, and in 1638 to the Bishopric of Cork. Articles of impeachment were exhibited against

'that all his scholars were Arminians.' This is a great sign, but not full proof. He says, 'that Dr. Chappel was at first fierce against them, but afterward changed his mind.' Dr. Featly said the like of Dr. Potter. Some say, Arminius himself was at first zealous against those opinions, but studying hard to confute them, changed his own mind. "Take heed, Mr. Walker, do not study these points too hard." For my own part, Dr. Chappel was a Cambridge man, altogether unknown to me save that I received from thence great testimony of his abilities, and fitness for government, which that college then extremely wanted[1 t]. And no man ever complained to me, that he favoured Arminianism. Die Decimo-septimo.

The other witness was Dr. Hoyle, a Fellow of the College in Dublin[u]. He says, 'that the Doctor did maintain in that college, justification by works; and in Christ Church, Arminianism.' In this he is single. But if it be true, why did not the Ld. Primate of Armagh punish him? for he says he knew it. 'That he opposed some things in the Synod.' And it may be there was just cause for it. Lastly, he says, 'the late Ld. Deputy liked not the Irish Articles; but gave them an honourable burial, as,' he says, 'the Ld. Primate himself confessed[x].' I am a stranger to all this; nor doth Dr. Hoyle charge anything against me; but says, 'that they which did this, were supposed to have some friend in England.' And surely their carriage was very ill, if they had none.

18. Then 'were letters read of my Lord Primate's to me, in which is testified my care of the patrimony of that Church. And then a paper of instructions given by me to the Lord Deputy at his first going into that kingdom.' For

[1 ['which that ... wanted.' in margin.]

him in 1641; but at length he was permitted to visit England, where, after enduring a series of misfortunes, he died Whitsunday (May 13), 1649. (Biogr. Brit.)]

[t [He was made Provost of Trinity College, Dublin, on the retirement of Dr. Robert Ussher, whom Primate Ussher admitted to be incapable.]

[u [Joshua Hoyle, originally of Magdalen Hall, Oxford; Fellow of Trinity College, Dublin, where he proved a factious person. On the breaking out of the Irish Rebellion, he retired to England, and became Vicar of Stepney. He was appointed one of the Assembly of Divines, Master of University College, and Regius Professor of Divinity at Oxford. (Wood, Ath. Ox. iii. 382, 383.)]

[x [On the adoption of the English Articles by the Irish Convocation in 1634, see Elrington's Life of Ussher, pp. 173, seq.]

the first; though it be thrust in here, among matters of
mo. religion, yet I pray your Lps. to consider, 'tis about the
mo. patrimony of that Church only. And I thank them heartily for producing it. For in this letter is a full confession of my Ld. Primate's, that the motion of getting the impropriations from his Majesty (formerly objected against me) proceeded from him, as I then pleaded. And the letter was read[y]. For the second; my Ld. Deputy, a little before his first going into Ireland, asked me what service I would command him for the Church there? I humbly thanked him, as I had reason, and told him I would bethink myself, and give him my thoughts in writing[z]. These are they which are called 'Instructions.' They are only for the good of that poor Church, as your Lps. have heard them. This was all; and herein my lord showed his honour, and I did but my duty. "Though I very well understand, why this paper is produced against me."

After this they proceeded to the eleventh Original Article, which follows *in hæc verba*:—

11. *He in his own person, and his suffragans, visitors, surrogates, chancellors, or other officers by his command, have caused divers learned, pious, and orthodox preachers of God's Word to be silenced, suspended, deprived, degraded, excommunicated, or otherwise grieved and vexed, without any just and lawful cause; whereby,* (205) *and by divers other means, he hath hindered the preaching of God's Word, caused divers of his Majesty's loyal subjects to forsake the kingdom, and increased and cherished ignorance and profaneness among the people, that so he might the better facilitate the way to the effecting of his own wicked and traitorous design of altering and corrupting the true religion here established.*

1. The first instance to make good this Article, was a repetition of some lecturers before named[a]. But when they

[y] [This, probably, is Abp. Ussher's letter, which is numbered clxxii. in Parr's Collection. It is by him placed in 1632, but is by Dr. Elrington transferred to its proper place in the following year.]

[z] [See Abp. Laud's letter to Strafford, April 30, 1633.]

[a] [See above, pp. 232, seq.]

thought they had made noise enough, they referred the Lords to their notes; and so did I to my former answers. Die Decimo-septimo.

2. The second instance was out of some Articles of Bp. Mountague and Bp. Wrenn, and their account given to me. Bishop Wrenn, Art. 16, speaks of the 'afternoon sermons being turned into catechising.' And Art. 5, (of his Account, I take it,) 'that no lecture in his diocese after[b],' &c. It was made plain to the Lords, that this was spoken of some single and factious lecturers, and that they had their lectures read by a company of learned and orthodox ministers by turns. As appeared by the Monday sermon at Burye, during that learned Bp.'s time[c]. Nor were any forbid to preach in the afternoon, so the catechising were not omitted, before it, or with it. And the Bishop is living to answer it, if aught were then done amiss by him. In all which he did nothing, as any deputy or surrogate of mine, but as diocesan of the place. As for the yearly account to the King, according to his royal instructions in that behalf[d]; though it were pressed here again to multiply noise, yet nothing being new, I gave my answer as before, and to that I refer myself.

3. The third answer was concerning Mr. Lee of Wolverhampton[e]. The evidence was a letter of my secretary, Mr. Dell, written by my command, to my visitors there, to this effect, 'That whether there were cause or no, they should either punish Mr. Lee, or bring him into the High-Commission.' Had the words or the sense been thus, they might well say, 'It was hard for the judge before whom the party was to answer, to write thus.' But I called to have the letter read again, and the words were these, 'If there were found against him that which might justly be censured, then they should punish,' &c. And the reason why this strict care was taken, was because the Dean of Windsor[f] his ordinary complained unto me, that Mr. Lee's carriage was so factious

[b] [See the account of Bp. Wren, which appears to be referred to, in Prynne's Cant. Doom, pp. 374—376.]

[c] [See ibid. p. 375.]

[d] [See vol. v. p. 311.]

[e] [This case is enlarged upon in Prynne's Cant. Doom, pp. 380, 381, who gives Dell's letter mentioned below.]

[f] [Christopher Wren (the younger brother of Matthew Wren, Bp. of Ely, and father of Sir Christopher Wren) was at this time Dean, having been installed April 4, 1635. The complaint had probably been made by his brother, whom he succeeded in this office. The Deaneries of Windsor and Wolverhampton were united by King Edward IV.]

Die Decimo-septimo.

there, that he could contain him in no order. If he 'were a man after this approved at Shrewsbury,' (as Mr. Walker witnesses,) I hope the proceedings at Wolverhampton did him good[1]. But, my Lords, had it so fallen out, that my secretary had forgotten my instructions, and himself too, and expressed himself amiss, shall that slip of his (had it been such) be imputed to me? I believe your Lps. would not willingly answer for every phrase of your secretaries' letters, which yet you command them to write.

4. The last instance, 'was the sentence in the High-Commission against Mr. Barnard, for words about Pelagian errors and Popery[g].' First, if he were sentenced in the High-Commission, it was the act of the Court, and not mine; as has been often said. Secondly, no proof is offered that he was sentenced for those words only. Thirdly, the Recantation (howsoever refused by him, as Mr. Pryn says it was) makes mention of four points for which he was censured, of which these words are one. But not the words themselves, but his unjust and scandalous application of them to me, which deserved them not. And lastly, Dr. Cumber, Master of Trinity College in Cambridge[h], was prosecutor against him; which office so grave and worthy a man would not (I suppose) have undertaken, had there not been great and just cause for it.

Hence they proceeded to the sixth Additional Article, which follows in these words:—

That whereas divers gifts and dispositions of divers sums of money were heretofore made by divers charitable and well-disposed (206) *persons, for the buying in of divers impropriations, for the maintenance of preaching the Word of God in several churches; the said Archbp., about eight* 3
years last past, wilfully and maliciously caused the said

[1] ['If he were . . . good.' in margin.]

[g] [Nathaniel Barnard, Lecturer of S. Sepulchre's, London, who had been previously convented in the High Commission Court, and had made his submission, was again convented for a Sermon preached by him at S. Mary's Church, Cambridge, May 6, 1632. The objectionable passages of his Sermon, as also his Recantation, are given in Prynne's Cant. Doom, pp. 364—367.]

[h] [Thomas Comber, admitted Oct. 12, 1631. He had been appointed Dean of Carlisle in 1626. Lloyd (Memoirs, p. 447) speaks highly of his learning and attainments.]

gifts, feoffments, and conveyances, made to the uses aforesaid, to be overthrown in his Majesty's Court of Exchequer, contrary to law, as things dangerous to the Church and State, under the specious pretence of buying in appropriations; whereby that pious work was suppressed and trodden down, to the great dishonour of God, and scandal of religion. Die Decimo-septimo.

This Article is only about the feoffments. That which I did was this. I was (as then advised upon such information as was given me) clearly of opinion, that this was a cunning way, under a glorious pretence, to overthrow the Church Government, by getting into their power more dependency of the clergy, than the King, and all the Peers, and all the Bishops in all the kingdom had. And I did conceive the plot the more dangerous for the fairness of the pretence; and that to the State, as well as the Church. Hereupon, not 'maliciously,' (as 'tis charged in the Article,) but conscientiously I resolved to suppress it, if by law it might be done. Upon this, I acquainted his Majesty with the thing, and the danger which I conceived would in few years spring out of it. The King referred me to his Attorney and the law. Mr. Attorney Noye, after some pause upon it, proceeded in the Exchequer, and there it was by judicial proceeding and sentence overthrown. If this sentence were according to law and justice; then there's no fault at all committed. If it were against law, the fault, whate'er it be, was the judges', not mine; for I solicited none of them. And here I humbly desired, that the Lords would at their leisure read over the sentence given in the Exchequer[i], which I then delivered in; but by reason of the length it was not then read. Whether after it were, I cannot tell. I desired likewise, that my Counsel might be heard in this, and all other points of law.

1. The first witness was Mr. Kendall[k]. He says, that speaking with me about Presteen, 'I thanked God that I had overthrown this feoffment.'

2. The second witness, Mr. Miller[l], says, he heard me say,

[i] Sir Leolin Jenkins hath a copy of it out of the Records of the Exchequer. —W. S. A. C. [See Rushworth's Collections, vol. ii. pp. 151, 152.]

[k] ['William Kendall.' — Prynne's Cant. Doom, p. 388.]

[l] ['Tempest Miller.'—Ibid.]

'They would have undone the Church, but I have overthrown
imo. imo. their feoffment.' These two witnesses prove no more than I confess. For in the manner aforesaid, I deny not but I did my best in a legal way to overthrow it. And if I did thank God for it, it was my duty to do so, the thing being in my judgment so pernicious as it was.

3. The third witness was Mr. White, one of the feoffees[m]. He says, 'that coming as counsel in a cause before me; when that business was done, I fell bitterly on him as an underminer of the Church.' I remember well his coming to me as counsel about a benefice. And 'tis very likely I spake my conscience to him, as freely as he did his to me; but the particulars I remember not; nor do I remember his coming afterwards to me to Fulham; nor his offer 'to change the men or the course, so the thing might stand.' For to this I should have been as willing as he was; and if I remember right, there was order taken for this in the decree of the Exchequer. And his Majesty's pleasure declared, that no 37
penny so given should be turned to other use. And I have been, and shall ever be as ready to get in impropriations, by any good and legal way, as any man (as may appear by my labours about the impropriations in Ireland). But this way did not stand either with my judgment or conscience.

1. First, because little or nothing was given by them to the pre(207)sent incumbent, to whom the tithes were due, if to any; that the parishioners which payed them, might have the more cheerful instruction, the better hospitality, and more full relief for their poor.

"2. Secondly, because most of the men they put in, were persons disaffected to the discipline, if not the doctrine too, of the Church of England.

"3. Thirdly, because no small part was given to school-masters, to season youth *ab ovo*, for their party; and to young students in the universities, to purchase them and their judgments to their side, against their coming abroad into the Church.

"4. Fourthly, because all this power to breed and maintain a faction, was in the hands of twelve men, who were they never so honest, and free from thoughts of abusing this power,

[m] [See above, p. 132, note s.]

to fill the Church with schism, yet who should be successors, and what use should be made of this power, was out of human reach to know." Die Decimo-septimo.

5. Because this power was assumed by, and to themselves, without any legal authority, as Mr. Attorney assured me.

He further said, 'that the impropriation of Presteen in Radnorshire, was specially given to St. Antolin's[1] in London[n].' I say the more the pity, considering the poorness of that country, and the little preaching that was among that poor people, and the plenty which is in London. Yet because it was so given, there was care taken after the decree, that they of St. Antolin's[1] had consideration, and I think to the full. He says, 'that indeed they did not give anything to the present incumbents, till good men came to be in their places.' Scarce one incumbent was bettered by them. And what then? In so many places not one 'good man' found? "Not one factious enough against the Church, for Mr. White to account him good?" Yet he thinks 'I disposed these things afterwards to unworthy men.' "Truly, had they been at my disposal, I should not wittingly have given them to Mr. White's worthies." But his Majesty laid his command upon his Attorney, and nothing was done or to be done in these things, but by his direction. For Dr. Heylin, if he spake anything amiss concerning this feoffment, in any sermon of his[o], he is living to answer it; me it concerns not. "Mr. Brown in the sum of the charge omitted not this. And I answered as before. And in his reply he turned again upon it, that it must be a crime in me, because I projected to overthrow it. But, under favour, this follows not. For to project, (though the word 'projector' sound ill in England,) is no more than to forecast and forelay any business.

[1] ['St. Antolin's' written in both places 'S. Ant^ns.']

[n] [This impropriation was, after its forfeiture, granted by King Charles I. to the Rector of Presteign for ever. This grant was revoked during the Rebellion, but confirmed by King Charles II. at the beginning of his reign.]

[o] [The Sermon to which reference is here made, was preached by Heylin at S. Mary's, Oxford, July 11, 1630, at the Act. The passage relating to the feoffees will be found in Prynne, (Cant. Doom, p. 386,) who transcribed it from a MS. copy of the Sermon in Abp. Laud's study; and in Heylin, (Cypr. Ang. p. 199, Lond. 1671,) who appears in his turn to have transcribed it from Prynne.]

Die Decimo-septimo. Now as 'tis lawful for me, by all good and fit means, t project the settlement of anything that is good; so is it a lawful by good and legal means, to project the overthrow c anything that is cunningly or apparently evil. And such di this feoffment appear to my understanding, and doth still As for reducing of impropriations to their proper use, the may see (if they please) in my Diary (whence they had thi another project to buy them into the Church's use[p]. Fo given they will not be. But Mr. Pryn would show nothin nor Mr. Nicolas see anything, but what they thought wou make against me.

Here this day ended[q], and I was commanded to atte Julii 15. again, July 15. But was then put off to July 17, which d held.

[p] [See vol. iii. p. 255.]

[q] [It appears, by the Lords' Journals, that the Archbishop desired this day, that Dr. Haywood and Dr. Martin, who were in prison order of the House, might be nesses for him, and that the req was granted.]

CAP. XL.

THE EIGHTEENTH DAY OF MY HEARING.

THIS day they charged upon me the twelfth Original Article, which follows in these words:— Julii 17, 1644. Wednesday. Die Decimo-octavo.

He hath traitorously endeavoured to cause division and discord between the Church of England and other Reformed (208) *Churches; and, to that end, hath suppressed and abrogated the privileges and immunities which have been by his Majesty and his royal ancestors granted to the French and Dutch Churches in this kingdom; and divers other ways hath expressed his malice and disaffection to those Churches; that so, by such disunion, the Papists might have more advantage for the overthrow and extirpation of both.*

The first charge is, 'that I deny them to be a Church:' for they say, 'that I say plainly in my book against Fisher, that No Bishop, no Church[a]. Now 'tis well known they have no Bps., and therefore no Church.' The passage in my book is an inference of St. Jerome's opinion, no declaration of my own. And if they or any other be aggrieved at St. Jerome for writing so, they may answer him. Mr. Nicolas added, 'that this was seconded by Bp. Mountague's book[b], which Mr. Pryn' (carefully) 'witnessed was found in my study, and licensed by Dr. Braye.' Is this argument come again, that I.

[a] Cont. Fisher, § 25, p. 176. [p. 194, note [u], ad fin. Oxf. 1849.]

[b] ["Hoc ipsum officium et munus in Ecclesia, sive Apostolicum, seu sacerdotale, adeo esse de necessitate salutis ordinaria, ut sine altero alterum esse nequeat. Non est sacerdotium nisi in Ecclesia, non est Ecclesia sine sacerdotio. Illud autem intelligo per χειροθεσίαν Episcopalem ordinariam. . . Nam quod prætendunt ordinariam vocationem retinendam, adhibendam, eique adhærescendum, nisi in casu necessitatis, absurdum est. . . Neque enim talis casus aut extitit aliquando, aut contingere potest."—Rich.] Mounta. Origi. Eccles. p. 464. [Lond. 1640.]

Bp. Mountague's book was found in my study? "Leave it, for shame." But they have now left me never a book in my study; so I cannot make them any fuller answer, without viewing the place, than themselves help me to by their own confession. Which is, that he adds this exception, that none but a Bishop can ordain, but *in casu necessitatis*, which is the opinion of many learned and moderate divines. "Yet this is very considerable in the business, whether an inevitable necessity be cast upon them, or they pluck a kind of necessity upon themselves."

I. The second charge is out of a letter of mine to Bishop Hall, upon a letter which he had formerly sent me; in which, it seems, 'is something about the case of necessity in point of ordination, which,' they say, 'I disliked.' And it seems I disliked upon good ground. For he had given me power under his hand to alter what I would in that which he sent unto me. I would not take that power, but writ back to him what passages I thought might be better expressed, if it could agree with his judgment also. Hereupon he sent me another letter, of Jan. 18, 1639[c], in which he altered those things which I put to his further consideration. Could anything be more fairly carried? And this letter was read to the Lords. Yea, but they say, 'I disliked the giving of this title Antichrist to the Pope.' No, I did not simply dislike it, but I advised Bp. Hall, if he thought it good, not to affirm it so positively[d]. And the reason I gave was this: that King James being pressed upon a great occasion that he had maintained 'that the Pope was Antichrist,' which might much trouble, if not quite cross, some proceedings much desired by that prudent king; his Majesty made answer: 'I maintain it not as a point of faith, but as a probable opinion; and for which I have more grounds than the Pope hath for his challenge of temporal power over princes. Let him recall this opinion, and I'll recall that[e].' This I writ to the Bp., but left him free to do what he pleased.

Here Mr. Nicolas fell extreme foul upon me, insomuch

[c] [This letter is preserved in Prynne's Cant. Doom, p. 275.]

[d] [See Abp. Laud's letter to Bp. Hall, Jan. 14, 1639.]

[e] [The Archbishop mentions that the King made this reply when the Spanish match was in contemplation. But he had already used the same *argumentum ad hominem* in his controversy with Cardinal Bellarmine. See the 'Præfatio Monitoria,' pp. 142, 143. Lond. 1610.]

that I could not but wonder at their patience which heard him. Among other titles bestowed on me, many and gross, he called me over and over again, 'pander to the whore of Babylon.' I was much moved; and humbly desired the Lords, that if my crimes were such as that I might not be used like an Archbishop, yet I might be used like a Christian: and that, were it not for the duty which I owe to God and my innocency, I would desert my defence, before I would endure such language in such an honourable presence. Hereupon some Lords showed their dislike, (209) and wished him to leave, and pursue the evidence. Die Decimo-octavo.

"Mr. Brown, in summing up the charge, made this a great matter, 'the denial of the Pope to be Antichrist.' But I did not deny it, nor declare any opinion of my own: and many Protestants, and those very learned, are of opinion that he is not. 'Tis true I did not, I cannot, approve foul language in controversies. Nor do I think that the calling of the Pope 'Antichrist,' did ever yet convert an understanding Papist. And sure I am, Gabriel Powel's peremptoriness (to say no worse) in this point, did the Church of England no good, no honour in foreign parts: for there he affirms, 'that he is as certain that the Pope is Antichrist, as that Jesus Christ is the Son of God and Redeemer of the world[f].' As for the thing itself, I left it free to all men to think as their judgment guided them: as appears by the licensing of Dr. Featly's Sermons, where he proves the Pope, in his opinion, to be Antichrist[g]. Where he calls him also the 'Whore of Babylon[h]:' which surely I should never have suffered to be printed, had I been her 'pander.' And for Bp. Hall, I only told him what King James had said, and left him to make what use he pleased of it."

III. The third charge was out of a paper, which Bp. Hall, about the time when he wrote his book in defence of Episcopacy, sent unto me, containing divers propositions concerning episcopal government; in which either he or I, or both say, 76 (for that circumstance I remember not,) 'that Church

[f] "Tam certo scio Papam esse magnum illum Antichristum, quam Deum ipsum esse in cœlis Creatorem, et Jesum Christum verum Messiam."—Gab. Pow. [Disput. Theol.] de Antichristo. Epist. ad Lectorem. [Lond. 1605.]

[g] Dr. Featly's [Clavis Mystica,] Sermon [lx.] p. 808. [Lond. 1636.]

[h] P. 810.

Die Decimo-octavo.

government by Bishops is not alterable by human law[1].' To this I answered, that Bishops might be regulated and limited

[1] [The following are the Propositions, as given by Prynne, (Cant. Doom, pp. 237, 238.) The passages in italics, as also the headings, were (according to Prynne) additions or corrections of the Archbishop.

"Concerning Church-government, and the estate of Episcopacy:—

"1. God had never any Church upon earth that was ruled by a parity.

"2. The first Church of God, which was reduced to a public policy, *was among the Jews*, and, by His own appointment, was governed by a settled imparity of High Priest, Priests, Levites.

"3. The Evangelical Church was founded by our Saviour in a known imparity; for though the Apostles were equal among themselves, yet they were above the Seventy and all other disciples, and were specially indued with power from on high.

"4. The same God and Saviour, after his ascension, did set several ranks and orders of the holy Ministry: first, Apostles; secondly, Prophets; thirdly, Teachers, &c.; all which acknowledged the eminence and authority of the Apostles.

"5. The Apostles, after the ascension of our Saviour, by the direction of God's Spirit, did exercise that power and superiority of spiritual jurisdiction over the rest of the Church, which was given them by Christ, and stood upon their majority above all other ministers of the gospel.

"6. The same Apostles did not carry that power up to heaven with them, and leave the Church unfurnished with the due helps of her further propagation and government; but, by virtue of this power, and by the same direction of God's Spirit, ordained in several parts spiritual guides and governors of God's people, to aid and succeed them.

"7. The spiritual persons so by them ordained were at the first promiscuously called Bishops and Presbyters, and managed the Church affairs, by common advice, but still under the government of the Apostles, their ordainers and overseers.

"8. But when the Apostles found that quarrels and emulations grew in the Church, *even while many of them were living*, through the parity of Presbyters, and side-takings of the people; the same Apostles, by the appointment and direction of the same Spirit, raised in each city where the Church was more frequent, one amongst the Presbyters to a more eminent authority than the rest, to succeed them in their ordinary power of ordination and censure, and encharged them peculiarly with the care of Church-government. Such were Timothy and Titus, and those which were styled the Angels of the seven Asian Churches.

"9. These selected persons were then and ever since distinguished from the rest by the name Episcopi—Bishops.

"10. In the very times of the Apostles, and by the imposition of their hands, there were divers such persons settled in the Church of God, being severally ordained and appointed to the oversight of those populous cities where their charge lay, to whom all the Presbyters and Deacons were subject.

"11. These Bishops continued their fixed superiority over their clergy all the time of their life, with the well-allowed express of spiritual jurisdiction; and after their death *other Presbyters were chosen to succeed them*," (Bp. Hall, according to Prynne, had originally written, 'were succeeded by others of their own order and degree;') "by the due imposition of the hands of their fellow-Bishops.

"12. There was no Church of Christ upon earth, ever since the times of the Apostles, governed any otherwise than by Bishops, thus successively (after decease) ordained.

"13. This course of government, thus set by the Apostles in their lifetime, by the special direction of the Holy Spirit, is not alterable by any human authority, but ought to be perpetuated in the Church to the end of the world.

"14. Those which in the New Testament are called the Elders of the Church, were no other than spiritual persons, such as had the charge of feeding the flock of Christ by word and doctrine.

"15. It is not lawful for any lay-person to lay hands on those which are to be ordained, nor to have any

by human laws, in those things which are but incidents to their calling; but their calling, as far as it is *jure divino*, by divine right, cannot be taken away. They charge further, 'that I say this is the doctrine of the Church of England.' And so I think it is. For Bp. Bilson set out a book in the Queen's time, intituled, 'The Perpetual Government[j].' And if the government by Bishops be perpetual, as he there very learnedly proves through the whole book, it will be hard for any Christian nation to out it. Nor is this his judgment alone, but of the whole Church of England. For in the preface to the Book of Ordination, are these words: 'From the Apostles' time, there have been three orders of ministers in the Church of Christ, bishops, priests, and deacons[k].' Where 'tis evident, that in the judgment of the Church of England, episcopacy is a different, not degree only, but order, from priesthood, and so hath been reputed from the Apostles' times. And this was then read to the Lords. And the law of England is as full for it as the Church. For the statute in the eighth of the Queen[l], absolutely confirms all and every part of this Book of Ordination. Where also the law calls it, 'the high estate of prelacy.' And Calvin (if my old memory do not fail me), upon those words of St. John, 'As my Father sent Me, so send I you[m],' &c., says thus upon that place, *Eandem illis imponit personam ac idem juris assignat*[n]. And if our Saviour Christ put the same person upon the Apostles, and assigned to them the same right, which His Father gave Him, it will prove a sour work to throw their successors the Bishops out of the Church, after sixteen hundred years' continuance. "And in the meantime cry out against innovation." For either Christ gave this power to His Apostles only; and that will make the gospel a thing temporary, and confined to the Apostles' times: or else He gave the same power, though not with such eminent gifts, to their successors also, to propagate the same gospel to the end

Die Decimo-octavo.

hand in managing the censures of the Church, which only pertain to them who have the power of the keys delivered to them by Christ.

"16. There was never any lay Presbyter heard or read of in the Church of Christ in any history, until this present age. *All which we declare to be the doctrine and judgment of the Church of England, concerning these points of Church-government.*"]

[j] Bishop Bilson's Perpetual Government. [4to. Lond. 1593.]

[k] Book of Ordination, Preface.

[l] 8 Eliz. c. 1. [§ 3.]

[m] S. John xx. 21.

[n] Calvin, ibid. [Op., tom. vi. par. ii. p. 177. Amst. 1667.]

of the world, as St. Paul tells us he did[1], Ephes. iv.[o] Now all the primitive Church all along, gives Bishops to be the Apostles' successors; and then it would be well thought on, what right any Christian state hath (be their absolute power what it will) to turn Bishops out of that right in the Church which Christ hath given them[2].

The fourth charge was an alteration made in a Brief, for a third[p] collection for the distressed ministers and others in the Palatinate. The Queen of Bohemia[q] was pleased to do me the honour to write to me about this; and because two collections had been before, her Majesty desired that this third might be only in London, and some few shires about it. I, out of my desire to relieve those distressed Protestants, and to express my duty to the Queen, became an humble suitor to his Majesty, that this collection also might go through England, as the rest had done. And 'tis acknowledged by all, that this I did. Now the witnesses which accuse me for some circumstances in this business are two.

(210) 1. The first is Mr. Wakerly[r]. He says, 'that Mr. Ruly[s]' (who was employed by the Queen of Bohemia about this collection) 'was roughly used by me upon occasion of this clause put into the Brief, and which he says I caused to be altered.' This, first, is a bold oath; for Mr. Wakerly was not present, but swears upon hearsay. Secondly, what kind- 37
ness I showed him and the business is mentioned before; and if for this kindness he had been practising with Mr. Wakerly about the Brief (as I had probable reason to suspect), I cannot much be blamed if I altered my countenance towards him, and my speech too; which yet these witnesses (for the other agrees in this) have no reason to call rough carriage, only upon Mr. Ruly's unthankful report.

He says, that these words, 'the Antichristian yoke,' were

[1] ['as St. Paul . . . did,' in margin.]
[2] ['For either . . . them.' on opposite page.]

[o] Ephes. iv. 11.
[p] [This was in 1635. See Abp. Laud's Letter to his Suffragans, May 8, 1635, in vol. vi. Collections had been previously ordered, June 17, 1618, and Jan. 29, 162$\frac{1}{8}$. (Prynne, Cant. Doom, p. 392.)]
[q] [Elizabeth, daughter of King James I., wife of Frederick V. Elector Palatine, elected in 1619 King of Bohemia.]
[r] [Secretary to Sir John Coke, Secretary of State. (Prynne, Cant. Doom, p. 391.]
[s] [A Palatinate minister.]

left out [t]. First, this is more than I remember; and the Briefs I had not to compare; nor is there any necessity, that two Briefs coming for the same thing, with some years' distance between, should agree in every phrase or circumstance. Secondly, if I did except against this passage, it was partly because of the fore-recited judgment of King James, of which I thought his son King Charles ought to be tender: and partly, because it could move nothing but scorn in the common adversary, that we should offer to determine such a controversy by a broad seal. I remember well, since I had the honour to sit in this House, the naming of tithes to be due *jure divino*, cast out the bill; a prudent lord asking the peers, whether they meant to determine that question by an Act of Parliament? The other part of the clause which they say was altered, was 'the religion which we with them profess:' whence they infer, because 'with them' was left out, that I would not acknowledge them of the same religion; which follows not. For we may be, and are of the same religion; and yet 'agree' not with them in those opinions in which we differ from them. And Mr. Wakerly confesses, that the words as altered, are, 'that they are persecuted for their religion;' and their religion is the Protestant religion, and so is ours. And therefore I could have no intention to make the religions different, but the opinions under the same religion. Die Decimo-octavo.

"For Mr. Wakerly, he is a Dutchman born; and how far the testimony of an alien may be of force by the law, I know not: and a bitter enemy to me he hath ever showed himself, since I complained to the King and the Lords, that a stranger born and bred, should be so near a Secretary of State, and all his papers and cyphers, as he was known to be to Mr. Secretary Coke: a thing which few States would endure: and how far the testimony of such a cankered enemy should be admitted, let the world judge. Admitted he was."

[t] [The passage said to have been altered by Laud, is given thus by Prynne (Cant. Doom, pp. 263, 392): "Whose cases are more to be deplored, for that this extremity is fallen upon them for their sincerity and constancy in the true religion, which we together with them do profess, and which we are all bound in conscience to maintain to the utmost of our powers; whereas these religious and godly persons being involved amongst others their countrymen, might have enjoyed their estates and fortunes, if, with other backsliders in the times of trial, they would have submitted themselves to the Antichristian yoke, and have renounced or dissembled the profession of the true religion."]

2. The second witness was Mr. Hartlip. 'He acknowledges my improvement of the collection, and my great readiness therein;' which doubtless I should not have showed, had I accounted them of another religion. He says, 'there was no alteration but in that clause, and that implies a manifest difference.' But that is but in his judgment, in which I have already showed that Wakerly is mistaken, and so is he. Beside, he comes here as a witness of the fact, not as a judge of my intentions or thoughts [l]. He adds, 'that, if he remember well, the alteration was drawn by me.' But, if he do not remember well, what then? Surely here's no evidence to be grounded upon 'ifs.' Here upon the point of Antichrist, Mr. Nicolas styled me as before, and was furious till he foamed again; but I saw a necessity of patience. "Mr. Brown also, in his summary charge, followed this business close. But I gave it the same answer."

The fifth charge, and the last under this article, was the calling in of a book, *an.* 1637, showing the doctrine and discipline of the Church in the Palatinate [u]; 'but called in only because against Arminianism.' The single witness, Michael Sparks. He says, (211) 'this book was called in,' but he knows not by whom, nor mentions he for what. But he says, 'the pursuivants which searched for it were mine.' He means such as belonged to the High-Commission; for other than such I had none. And there was cause enough for calling in the book, without thinking of Arminianism.

"But what is the reason, why here's nothing urged against me, about abrogating the immunities and privileges of the French and Dutch Churches, which fill the body of this article? Why, I conceive there may be two reasons of it. One, because there was taken by Mr. Pryn, among other papers for my defence, a letter under Queen Elizabeth's own hand [x], to the Ld. Pawlet, Marquis of Winchester, then Ld. Treasurer, in which she expresses her willingness, that those

[l] ['or thoughts.' in margin.]

[u] [The title of the book is, 'A Declaration of the Pfaltzgraves; concerning the Faith and Ceremonies professed in his Churches. Lond. 1637.']

[x] See the letter above, in the Answer to the Scotch Articles. [It is not in the answer to the Scotch Articles, but in the answer to the twelfth Original Article of the Commons of England. See vol. iii. pp. 424, 425.]

strangers, distressed in and for point of conscience, should have succour and free entertainment; but should conform themselves to the English Liturgy, and have that translated into their own language. And they knew, I would call to have this letter produced, proved, and read. And had this letter been stood unto, they had never been able to do the Church of England half the harm they have since done. The other was, because they found by their own search against me, that all which I did concerning those Churches, was with this moderation, that all those of their several congregations, in London, Canterbury, Sandwich, Norwich, or elsewhere, which were of the second descent, and born in England, should repair to their several parish churches, and conform themselves to the doctrine, discipline, and liturgy of the Church of England, and not live continually in an open separation, as if they were an Israel in Egypt, to the great distraction of the natives of this kingdom, and the assisting of that schism which is now broke forth[y]. And as this was with great moderation, so was it with the joint approbation of his Majesty and the Lords of his Council, upon the reasons openly given and debated: and all this before I proceeded to do anything. As appears *apud Acta.*" Die Decimo-octavo.

Then they went to the tenth[1] Original Article; which here follows:—

He hath traitorously and wickedly endeavoured to reconcile the Church of England with the Church of Rome, and for the effecting thereof hath consorted and confederated with divers Popish priests and Jesuits, and hath kept secret intelligence with the Pope of Rome, and by himself, his agents or instruments, treated with such as have from thence received authority and instruction: he hath permitted and countenanced a popish hierarchy, or ecclesiastical government, to be established in this kingdom. By all which traitorous and malicious practices, this Church and kingdom have been exceedingly endangered, and like
9 *to fall under the tyranny of the Roman See.*

[1] [This was printed by Wharton 'thirteenth.']

[y] [The paper containing these suggestions will be printed from the copy in Prynne.]

ie ecimo-tavo.

The seventh Additional Article:—

That the said Archbishop at several times within these ten years last past, at Westminster, and elsewhere within this realm, contrary to the known laws of this land, hath endeavoured to advance Popery and superstition within the realm. And for that end and purpose hath wittingly and willingly received, harboured, and relieved divers Popish priests and Jesuits, namely one called Sancta Clara, alias *Damport, a dangerous person, and Franciscan friar, who, having written a popish and seditious book, intituled* Deus, Natura, Gratia, *wherein the Thirty-nine Articles of the Church of England established by Act of Parliament, were much traduced and scandalized; the* (212) *said Archbp. had divers conferences with him, while he was in writing the said book; and did also provide maintenance and entertainment for one Monsieur S. Giles, a Popish priest, at Oxford; knowing him to be a Popish priest.*

I. The first charge, they said[1], was to be laid as a foundation, and it was, 'that I was generally reputed a Papist in heart, both in Oxford, and since I came thence.'

1. The first witness for this was Dr. Featly. He says, 'there was such an opinion of me thirty years since there.' But he says, he never heard any popish opinion maintained by me. So here 's nothing of knowledge: and if I should say, that above thirty years ago there was an opinion, that Dr. Featly, then in Oxford, was a Puritan; this could make no proof against him; nor can his saying that I was reputed a Papist, make any proof against me. He says further, 'that one Mr. Russel, who had been bred in S. John's College, told him, in Paris, that I maintained some Catholic opinions.' First, Mr. Nicolas would have it, 'that this Mr. Russel was my scholar:' but that the whole college can witness it is not so; nor had he ever any relation to me, in the least degree. After his father's death, he left the college, and went beyond sea; where the weak man (for such he was) lost his religion[2].

[1] [Wharton printed 'say.']

[2] [George Russell, of S. John's College, elected from Merchant Tailors' School. He was afterwards Bursar of the College, but retaining in his hands the College money, went beyond the seas, and became pensioner to the

Secondly, Dr. Featly says expressly, that Mr. Russel said, Die Decimo-octavo. 'I was no Papist;' which, for the countenance of his own change, he would never have said, had he thought me one. Thirdly, if he did say that I maintained some Catholic opinions, yet he named none, by which there might be trial and judgment, whether they were such or no, in the sense he meant them [1]. Lastly, Mr. Perkins, in his 'Reformed Catholic,' sets down divers opinions in which they of Rome and we agree [a]: shall he be a Papist for this? Or shall not that which is lawful for him, be as lawful for me?

2. The second witness was one Harris [b]. He says, 'that Mr. Ireland [c], (who was some time student of Christ-Church in Oxford, and after schoolmaster at Westminster,) 'told him that I would leave the Church of England.' This is a bare report from Mr. Ireland, with whom I never had any acquaintance, nor was scarce in his company twice in all my life. Nor is it in my power to hinder what Mr. Ireland will say, or Mr. Harris from him. He says, 'that one that called himself Leander [d], came over on purpose to make this reconciliation.' If he did (which is more than I know or believe) I think he would hardly make such a one, as Harris is reported to be, acquainted with it. But howsoever, if he did come with that purpose, was it in my power to hinder his coming? And here is no proof offered that I did help on his purpose, or so much as know of it. He says, 'he often petitioned me for relief, but had none.' It may be, I well knew he deserved none: and your Lps. know that by law I might not afford him any. Had I given him any, I should

[1] ['in the . . . them.' in margin.]

Archduke of Austria, and a man of consequence in his dominions. (Wood, F. O. i. 281.)]

[a] [This is the case in every point which he discusses; stating first the agreements and then the differences.]

[b] [See the deposition of Francis Harris in Prynne, Cant. Doom, pp. 411, 412.]

[c] [Richard Ireland was Master of Westminster School when Bishop Andrewes was Dean, and Hacket one of the Scholars. (Wood, Ath. Ox. iv. 824.)]

[d] [Father Leander a S. Martino. His proper name was John Jones, elected from Merchant Tailors' School to S. John's College, Oxford, in 1594 (Wilson, Merchant Tailors' School, p. 1190), not 1591, as stated by Wood (Ath. Ox. ii. 603). He afterwards became a Benedictine monk, and Professor of Hebrew at Douay. See a full account of his life, and his proceedings in England, in Butler's Memoirs of English Catholics, vol. ii. p. 311, and Dodd's Church History, vol. iii. p. 112.]

Die Decimo-octavo.

now have heard it with both ears. For I am informed he is a priest, and condemned in a *præmunire*, and was let out of prison, on purpose to be a witness against me [e]. And having set that which is aforesaid under his hand, is now slipped away, and gone. Who got him out of prison for this good purpose, I know not; but sure somewhat there is in it, for your Lps. see his testimony is now read, but he appears not.

3. The third witness was Sir Nathaniel Brent [f] (now absent, but came in the next day). He says, 'I was esteemed popishly affected in Oxford;' and he gave three instances very carefully, to prove it. The first was, 'that in the Divinity School there, I maintained the necessity of baptism.' I did so; and my predecessor Archbishop Abbot was then Vice-Chancellor, and present, and approved my opinion; and my grace passed for my degree to be Bachelor of Divinity without any one man's opposition [g]. He says, 'that Mr. Dale, of Merton College [h], then showed him all my sup(213)position taken out of Bellarmin. This is a bold and a dangerous oath: he might swear that Mr. Dale showed him in Bellarmin, that which he said was my supposition: but that he showed him all my supposition there, is a strange oath for a man of learning and law to make, and in such a presence. Besides, I have my supposition, which I then made, yet by me; and if my tenet of that question be the same with Bellarmin's, or that there be any line taken out of him, but what I cite for my own advantage against him, I will utterly forfeit my reputation of any learning to your Lps. His second instance was, 'that I was acquainted with one Mr. Brown [i], Fellow of Corpus Christi College in Oxford, who was suspected to be a Papist, and after his death proved to be one by a book that was found in his study, proving that a man might be a Roman Catholic, and yet go to Church and conform in England.' I was acquainted with this man; he was a very good scholar and an honest man, and a good Protestant, for aught I know. For the tract found after his death among his papers, that's

[e] [Harris had been released from prison June 4, 1634, by Windebank's means. (See Prynne, Hidden Works, p. 123.)]

[f] [Warden of Merton, and Vicar-General. See his Life in Wood, Ath. Ox. iii. 333.]

[g] [He took the degree of B.D. July 6, 1604. Abbot held his Vice-chancellorship till July 14.]

[h] [Christopher Dale, his colleague as Proctor in 1603.]

[i] [Walter Brown, B.D. April 9, 1606. (Wood, F. O. i. 317.)]

no proof: for scholars get all the papers they can, especially such as belong to their own profession. And the more strange the opinions are, the more do they labour to get them. Nor is it any proof 'that the tract was of his making, because written in his own hand,' as 'tis urged. For the argument being so foul and dangerous, it could not be safe for him, nor any way fit, to commit it to any other to write for him. Nor is there any proof that I knew he had such a tract by him; neither indeed did I. The opinion is very base and unworthy, and was first broached by the Jesuit Azorius [k], and it seems some of his fellows had enlarged him, and made this tract out of his principles. His third instance was, 'that I petitioned King James in this business.' I was complained of to King James by a great person, that I had inward acquaintance with this man. Hereupon, my waiting month being June, and not long after the complaint made, I took occasion in my first sermon to confute this opinion, and then petitioned his Majesty that it might be examined, that such an imputation might not lie upon me. His Majesty referred it to the Lords Archbishop of Canterbury, Bishops of London, Winchester, and Duresm [l]; where after full examination I was acquitted. Die Decimo-octavo. 51

The second charge was, that the same opinion was held of me beyond the seas, 'that I was a cunning promoter of the Roman cause.' And here the witnesses are the same, which were produced before; Mr. Challoner, who told over his old tale again of I know not what plot he heard from a Jesuit [m]: nothing but hearsay at the best. And it savours like an almanack *de post facto*, "or rather of somewhat else, which I will spare to name, because he is upon his oath." The other witness is Mr. Anthony Mildmay [n], who also tells over his old tale of his Father Fitton. But he was out of the way again, and appeared not till the next day, with Sir Nath. Brent. So here 's a repetition again of the same witnesses, and the same things, to multiply the noise. "Only noble Sir Henry Mildmay appeared not the second time; but II.

[k] ["Quinto quæritur, An, ubi Catholici cum hæreticis versantur, licitum sit Catholico adire templa, ad quæ hæretici conveniunt, eorum interesse conventibus atque concionibus? Respondeo, si rei naturam spectemus, id non esse per se malum."]—Instit. Moral. p. i. lib. viii. c. 27. [p. 719. Col. Agr. 1602.]

[l] Abbot, King, Montague, Neale.

[m] [See above, p. 245.]

[n] [See above, p. 246.]

Die Decimo-octavo.

whether it were because he had enough at his first appearance or whether his face was scratched then (as since men say it was), I cannot tell."

III. The third charge was, 'that I had a damnable plot, to reconcile the Church of England with the Church of Rome.' If to reconcile them with the maintenance of idolatry, it were a damnable plot indeed. But if Christian truth and peace might meet and unite together, all Christendom over; were that a sin too? Were I able to plot and effect such a reconciliation, I would think myself most happy, whatever I suffered for it. But how is this damnable plot proved? 'Pope Gregory writ a letter to his nuncio in Spain [o], and a letter also to King Charles [p], which letter is printed: copies of these letters were found in my study.' Could I hinder the Pope from writing to whom he pleased? Shall not I get copies of any letters I can, to see what practising is abroad for private interest? Shall it be lawful for all my (214) predecessors to get and keep copies of such letters by them, and shall it be unlawful for me only? And here I produced Mr. Dobson, an ancient servant to my predecessors, who witnessed that Archbishop Bancroft had store of them, and kept them all his time. Nor do I know how this charge can fall upon me: for there is no one word in any of the letters produced, that reflects upon me, or any plot of mine. Nor indeed had I ever any such to reflect upon.

IV. The fourth charge is, 'that I had a hand in the plot for sending the King, when he was a prince, into Spain, to be perverted in his religion.' They follow their proof of this out of my Diary: and they begin with my friendship with the Ld. Duke of Buckingham, who waited on the Prince in this journey. And first they urged my Diary at June 9, 1622, where I mention that 'there were then' particulars, which are not for paper [q].' But the words, which lead these in, were his entrance upon a near respect to me, the particular expres-

[1] ['there were then' in margin.]

[o] [See this letter of Gregory XV. to the Bishop of Cuença, Inquisitor General in Spain, 'from the copy in the Archbishop's study,' in Prynne's Hidden Works, pp. 34, 35.]

[p] [Prynne reprints this letter in Hidden Works, pp. 36—38, from the Mercure François, tom. ix. anno 1623, pp. 509, 510. It has been printed, among other places, in Rushworth's Collection, vol. i. p. 78, and in the Clarendon and Hardwick Papers.]

[q] [See Works, vol. iii. p. 139.]

sions whereof 'were not for paper:' nor word, nor thought of either plot or 'popery.' Then they urged June 15, 1622, where 'tis said, that I 'became C.' that is, 'Confessor to the Ld. Duke [r].' First, if my Ld. Duke would honour me so much as to make me his 'confessor,' as I know no sin in it, so is it abundantly proof, that the passages before mentioned were not for paper. Should I venture them so, there's never a person of honour present, but would think me most unworthy of that trust. Next, they pressed June 13, 1623, where I confess, that 'I received letters from my Ld. Duke out of Spain [s]. I did so; and I then held it great honour to me, and do so still. But then, and long before, it was known to all men whither he was gone, and with whom: nay, it was commonly known to all men of quality hereabout within three or four days: and till it was so commonly known, I knew it not. Yea, but then they enforced out of Feb. 17, 162⅔, that the 'Prince and the Marquis of Buckingham set forward very secretly for Spain [t].' And Feb. 21, that 'I writ to his Lp. into Spain [u].' 'Tis true, they went away that day, and very secretly; but I neither did, nor could set it down, till afterwards that I came to know it. And then, so soon as I came to know it, which was about the 21st, I did write. To these was cunningly "(how honestly let all the world judge)" pieced a passage out of a letter of mine to Bp. Hall [x]. But that letter was read, at my humble motion to the Lords, and the date of it was in 1634 [y]. So, many years after this business of Spain. And the passage mentioned, was only about King James his manner of defending the Pope to be Antichrist, and how he salved it while the Prince was in Spain. But King James related it after. Nor could any words of that letter be drawn to the King's going thither, much less to any knowledge I had of it.

Die Decimo-octavo.

The fifth charge was 'concerning his Majesty's match with France.' And here again they urge my Diary at Mar. 11, 1625, that 'the Duke of Buckingham was then and there employed [z].' And at May 19 [a], and 29 [b], that 'I then writ V.

[r] [Works, vol. iii. p. 139.]
[s] [Ibid. p. 142.]
[t] [Ibid. p. 141.]
[u] [Ibid.]
[x] [See above, p. 308.]
[y] [The letter was written in 1639.]
[z] [Works, vol. iii. p. 162.]
[a] [Ibid.]
[b] [Ibid. p. 163.]

letters to him.' First, my Lords, I hold it my great honour, that my Lord Duke would write to me, and give me leave to write to him. Secondly, I have committed some error in these letters, or none. If none, why are they charged? If any, why are they not produced, that I may see what it is, and answer it?

VI. The sixth charge was, 'that I was an instrument of the Queen's.' This they endeavoured to prove by my Diary in three places. First, at Aug. 30, 1634. 'Upon occasion of some service done, she was graciously pleased to give me leave to have immediate access unto her, when I had occasion[c].' This is true, and I most humbly thanked her Majesty for it: for I very well knew what belonged to addresses at second hand in court. But what crime is in this, that the Queen was pleased to give me access unto her, when I had occasion? Here's no word of religion. Secondly, at May 18, (215) 1635, where 'tis said, that 'I gave her Majesty an account of something committed to me[d].' If her Majesty sent or spake to me to do anything, as it seems she did, shall I want so much duty as to give her an account of it? So belike I must be unmannerly with her Majesty, or lie open to no less than a charge of high treason. Thirdly, at April 3, 1639. 'Tis made a great matter, 'that I should then despatch a great business for the Queen, which I understood she would not move for herself:' and that 'for this her Majesty gave me great thanks[e].' Mr. Nicolas his inference upon this, was, 'that they conceive wherefore.' But his conceit makes no evidence: he must not only conceive, but prove wherefore, before it can work anything against me. As for religion, as there is no word of it in my Diary, so neither was it at this time thought on. Her Majesty would therein have moved for herself. But it seems it must be a crime if I be but civil and dutiful towards the Queen, though it be but thrice mentioned in so many years.

VII. The seventh charge was, that 'I forbad ministers praying for the Queen's conversion, and punished others.' The first witness, Mr. Ratcliff[f], says, 'that Sir Nath. Brent gave it

[c] [Works, vol. iii. p. 222.]
[d] [Ibid. p. 223.]
[e] [Ibid. p. 232.]
[f] [Hugh Ratcliffe, of S. Martin's, Ludgate. (See Prynne's Cant. Doom, p. 420.)]

in charge at Bow church in my visitation.' The more to blame he, if so he did. Yea, but he says, 'it was by my command delivered unto him by Sir John Lambe.' Was it so? How doth Mr. Ratcliff know that? He doth not express. He was not present, when I spake with Sir John Lambe. And if Sir Nathaniel Brent told him of it, 'tis but hearsay. And Sir Nathaniel having been so ready a witness against me, why is he not examined to this particular? And as for the paper which was showed, it appears plainly there, that it was no paper of 'instructions' sent to my visitors by me, but of particular informations to me[g]: of which one was, 'that the Queen was prayed for in a very factious and scandalous way.' And this appeared when that paper was read. And this I referred to my visitors, as I not only might, but ought: not forbidding the prayers, but the scandalous manner of them. The second witness was Mr. Pryn. Who says, 'that one Mr. Jones was punished for praying for the Queen[h].' He was punished in the High-Commission for scandalous abusing the Queen, under a form of praying for her, and for divers other articles that were against him. "And this answer I gave to Mr. Brown, who forgot not this in summing up my charge." Die Decimo octavo.

VIII. The eighth charge was, 'that I punished men for praying to preserve the Prince.' Now, God forbid. The High-Commission book was showed, and that there, in the year 1634, one Mr. Howe was censured for it[i]. I got this act of the High-Commission to be read to the Lords: his prayer went thus, 'that God would preserve the Prince in the true religion, of which there was cause to fear.' Could this prayer have any other operation upon the people, than to make them think his Majesty was careless in the education of the Prince, especially in point of religion? And this was so grievous and graceless a scandal cast upon a religious King, as nothing could be greater. Upon the matter, it was the show of a prayer for the Prince, but was indeed to destroy the King in the hearts of his people. And had I not there consented to his punishment, I had deserved to be punished

[g] [See Prynne's Cant. Doom, p. 418.]

[h] [William Jones, a Gloucestershire Minister (Prynne's Cant. Doom, p. 420).]

[i] [John Howe, of Loughborough, in Leicestershire. (See Prynne's Cant. Doom, p. 420.) He was the father of the celebrated Puritan divine.]

Die Decimo-octavo.

myself. "Mr. Brown, when he repeated the sum of the evidence, laid this charge home upon me, but spake not one word (to my remembrance) of this answer given to it."

IX. The ninth charge, 'that I did extol Queen Mary's days.' The proof for it was taken out of the Preface to the Statutes of the University of Oxford. I took a great deal of pains about those statutes, and might justly have expected thanks for it, not such an accusation. But as for the Preface, it was made and printed at Oxford: I meddled not with it[k]. I could trust the University with little, if not with the making of a (216) preface. If they have done anything amiss in it, let them answer it. The passage was about certain offers made to amend those confused old statutes, both in Ed. VI. and Qn. Mary's days; but no effect came of the pains then taken; *Recruduit labor*, says the Preface. So that this I can answer for them: there 's not a word spoken of religion, but of manners only, and that as much in relation to the times of princes following, as hers. For the words, to my remembrance, are, *Interim optanda temporum felicitate*[l], &c. And that *interim* cannot be restrained to Queen Mary's days only, but must include the whole *interim*, or middle distance of time to that present in which I settled the whole body of their statutes, that is, all Queen Elizabeth's and King James his days; which I think no man can deny was, *optanda temporum felicitas*[l].

X. Here Mr. Nicolas confessed there was 'no downright proof' against me. That was his phrase: but he added, that was not to be expected in such a work of darkness. Then he 'produced a paper found in my study, printed at Rome[m].' So were divers of my books printed there: what of this?

[l] ['For the words, ... *temporum felicitas*.' on opposite page.]

[k] [The Preface was written by Brian Twyne. But the words complained of, Wood says, were inserted by another hand. Annals, p. 392.]

[l] [The passage is the following:—"Paulo post potiente rerum Maria, sub Cardinalis Poli auspiciis idem recruduit labor, novæ exinde datæ leges, sed pari cum prioribus angustia. Interim tamen, inter incerta vacillans statuta, viguit Academia, colebantur studia, enituit disciplina; et optanda temporum felicitate, tabularum defectus resarcivit innatus candor; et quicquid legibus deerat, moribus suppletum est."]

[m] [A description of this paper 'printed at Rome' is found in Prynne's Cant. Doom, pp. 421, 422. It contained the Conclusiones Theologicæ of Ludovicus a Sancta Maria, (an English friar named Morton, or Kerton, then residing at Rome.) The paper was dedicated to Card. Barberino, as the protector of the English nation.]

They may print what they will at Rome, I cannot hinder it: and I may have and keep whatever they print, no law forbidding it. Then 'he showed a letter sent unto me from Mr. Graves[n]. The gentleman is at this present Fellow of Merton College in Oxford, a great traveller, and a man of great worth. As far as I remember, his letter came to me from Alexandria. It was fit to be sent, and kindly received; as by me it was. I desired it might be read. Then were mentioned 'Sir William Boswell's letters, and the papers sent by Andreas ab Habernfeld, about a great plot to destroy the King and religion, and that I concealed these papers.' "I might have been amazed at the impudence of this charge above all the rest. *Diaboli impudentia*, the devil's impudence, and no less, as S. Augustin speaks in another case[o]." Did I conceal these papers? First, the same day that I received them, I sent them by an express to his Majesty. I had a speedy answer from his Majesty, and that I returned with equal speed to his Majesty's agent, Sir Wi. Boswell, as I was commanded. And this Mr. Pryn, and Mr. Nicolas knew. For Mr. Pryn took all these letters and papers from me, when he searched me at the Tower; and out of them made his book called 'Rome's Masterpiece[p]:' "excepting the slanders, which he hath juggled in of his own." So soon as his Majesty came home, I humbly besought him, that he would be pleased to appoint a time, and call some Lords to him to hear and examine the business, and this examination continued till I was committed. What was after done, I cannot account

Die Decimo octavo.

[n] [This letter by John Greaves mentions that Cardinal Barberino was about to edit 'Fastidius, de Vita Christiana,' and dedicate it to King Charles I. The letter was written from Leghorn. (See Prynne's Cant. Doom, p. 421.) Greaves was appointed, November 14, 1643, Savilian Professor of Astronomy, and was ejected by the Parliamentary Visitors, October 30, 1648.]

[o] [S. Augustine is speaking of the pertinacious appeals of the Donatists. His exact words are: "Puto quod ipse diabolus . . . non esset tam impudens, ut in ea causa persisteret."]—S. Aug. Epist. clxvii. [lxxxix. Ben. § 3. Op., tom. ii. col. 330. A.]

[p] This book was published by Pryn in the year 1643, in five sheets in quarto. A copy whereof being by his endeavours conveyed to the Archbishop, then a prisoner in the Tower, the Archbishop wrote notes in the margin of it, so far, and so much, as to vindicate himself from the aspersions laid upon him therein. This copy with the said notes is now in the hands of that knowing and learned antiquary, Mr. Anthony Wood; which having been by him communicated to me, I have, with his leave, transcribed the Archbishop's notes, and caused them to be adjoined to these papers concerning the plot discovered by Andrew ab Habernfeld, reprinted in the following collection.—H. W. [See below. In a former note it was stated that these papers would be reprinted in vol. vi.]

Die Decimo-octavo.

for. Besides, my Lords, it appears by those papers, that my life was sought for, because I would not give way to the change of religion; and Mr. Pryn himself hath printed this; and yet now Mr. Nicolas, from his testimony, presses these papers against me. But the King, and the Lords, and both Secretaries of State then present, can witness, that I took all the care and pains above-mentioned, to have it sifted to the bottom. "Notwithstanding all this, Mr. Nicolas falls upon this plot again upon the next day of my hearing, as if nothing had been said unto it: and was so shameless, as to say, 'that I followed this business so long as I thought the plot was against the Puritans: but so soon as I found it was against the Papists, I kept it secret, till Mr. Pryn discovered it in his search of my papers.' Where, first, there's no one word in all the papers to make me, or any man, think the Puritans were concerned in it. And, secondly, I did not sleep upon the receipt of these papers, till I had sent them to his Majesty. But I had reason to keep the papers as safe as I could, considering how much they justify me against these foul calumnies put upon me."

XI. Then followed the charge of Sancta Clara's book, *alias* Monsieur St. Giles: so they expressed it; and I must follow the way they lead me. 1. First, then, they charge 'that I had often conference with him, while he was writing his book intituled, *Deus, Natura, Gratia* [q].' No, he never came to me till he was ready to print that book. Then some friends of his brought him to me. His suit then was, that he might print that book here. Upon speech with him, I found the scope of his book to be such, as that the Church of England would have little cause to thank him for it: and so absolutely denied it. Nor did he ever come more at me after this, but twice or thrice at most, when he made great friends to me, that he might print another book, to prove that bishops are by divine right[r]. My answer then was, that I did not like

[q] [The title of the book is, 'Deus, Natura, Gratia, &c. . . . ubi ad trutinam Fidei Catholicæ examinatur Confessio Anglicana. Lugd. 1634.' The author was Francis a Sancta Clara, whose real name was Christopher Davenport. He was originally of Merton College, but joined the order of Franciscans in 1617, and at length became an English missionary. Davenport went also by the names of Francis Hunt and Francis Coventry. (Wood, Ath. Ox. iii. 1221.)]

[r] [This appears to be the book which he printed at Cologne, in 1640, under the title, 'Apologia Episcoporum.']

the way which the Church of Rome went, in the case of episcopacy. And howsoever, that I would never give way, that any such book should be printed here from the pen of a Romanist; and that the bishops of England were able to defend (217) their own cause and calling, without calling in aid from Rome; and would in due time. Maintenance he never had any from me, nor did I then know him to be a priest. Nor was there any proof so much as offered in contrary to any of this [s]. Die Decimo-octavo.

2. Secondly, they did specially except 'against a passage in the licenser, and another at the end of the book [t].' The book was printed at Lyons, where I could not hinder the printing, either of the whole or any part. This might have been something, had I licensed it here; but that I constantly denied.

3. Thirdly, they produced a letter written to me from Venice, by one Mr. Middleton [u], Chaplain there to the right honourable the now Earl of Denbigh [x], his Majesty's ambassador. Therein he writes, 'that S. Clara was *homo nequissimus*, and that one Monsieur S. Giles was the author of that book.' That Clara and S. Giles were the same person, is but Mr. Middleton's opinion. Such news as he there heard, some true, some false, he thought fit to write unto me: and he being absent, here's no proof upon oath, that they are one and the same person. And I hope a young man's letter from Venice, or any other place, signifying only such things as he
6 hears, shall not stand for good evidence in a case of life. And he was mainly deceived in this particular, as appears: First, because what Clara is, I know not: but Monsieur S. Giles is a great scholar, and a sober man; and one that gave the late Lord Brooke [y] so good content, that he allowed him one hundred pound a year during his life. Secondly, because 'tis commonly known that Clara is an Englishman, and S. Giles a Frenchman born and bred. Thirdly, because their own

[s] [See another, but similar account by the Archbishop of his connexion with S. Clara, in Prynne's Cant. Doom, p. 427.]

[t] [The passages excepted against are given in full in Prynne's Cant. Doom, pp. 424—426.]

[u] [Prynne gives this letter at length, Cant. Doom, pp. 429, 430.]

[x] [Basil Feilding, the second Earl of Denbigh. He succeeded his father in the title, April 8, 1643. See his character in Clarendon, Hist. Rebell. vol. v. p. 74.]

[y] [Robert Greville, second Lord Brooke.]

Article[1], upon which they bring this charge, acknowledges them two distinct persons. "Fourthly, because both Mr. Pryn and Mr. Nicolas had Monsieur S. Giles before them in examination, and could not but know him to be a Frenchman. As appears by a warrant given to him by Mr. Pryn to secure him after his examination. Which warrant follows in these words:

> "*These are to certify those whom it may concern, that the Committee of the House of Commons, appointed to prosecute the Archbp. of Canterbury, have examined and received satisfaction from Monsieur S. Giles, a domestic servant to the Resident of Venice; and therefore he is no further to be examined or molested concerning the same.*

"This licence came to my hands since my answering was past; so I could not then show it. M. S. Giles was never the man that gave me notice of any of this; not so much as that he had been examined: but my secretary, Mr. Dell, came to hear of it by chance, and went to him, and had this copy (with some labour) from him, and will make oath it is a true copy. This is not the thankfullest part that ever S. Giles played, considering my carriage towards him."

4. Then they charged upon Monsieur S. Giles directly, 'that I knew him to be a priest, and yet maintained him at Oxford.' The case was this[2]: Mr. S. Giles was in good place about the Queen's Majesty at her first coming: here he did so good services to this State, that he lost himself in France, and durst not go thither when the French were sent away. All this while the man was unknown to me, till his Majesty one day at S. James's told me this, and that he was a priest, and that it lay upon him in honour to allow him some maintenance; and prescribed me a way how to order it, that he might receive one hundred marks a year as from him: and gave me charge, if the pension were at any time behind, I should acquaint him with it. After this, M. S. Giles by his friends petitioned his Majesty, that being a stranger, he

[1] The seventh Additional.

[2] The Archbishop related this case more at large, and therewith defended himself in a written paper; which being seized by Prynne in the Tower, was now produced and read before the Lords. It may be found in Pryn's Compl. Hist. [Cant. Doom,] p. 428.—H. W.

might live in Oxford, to have the use of the library there, being resolved to meddle (218) no more with the controversies of the time; but to apply himself to metaphysical learning. His Majesty was desirous to have him placed in some college, to save charges: but this I most humbly deprecated, because it might be dangerous to the youth there, and scandalous to his Majesty, the Church, and the University; and dangerous to myself, being Chancellor. To the rest I submitted: so he was left to place himself in some town house, as he could. And for this his Majesty gave me his warrant, which Mr. Pryn in his search took from me. But here follows the true copy of it:— Die Decimo-octavo.

Charles R.

Canterbury, Mr. S. Giles by serving us and this State, hath lost all his hopes in France, and desires to spend his time here at his private studies. I would have you think upon some way for his maintenance, and to place him in Oxford, that he may have use of that library, which he much desires. And you may so order it, that his profession in religion may do no harm.

And according to this direction of his Majesty, I did take order; but with assurance from himself, and with spies upon him there, beside the special care of the Vice-Chancellor, that he should not converse with young students, nor exercise his priestly office, nor do anything against the laws. Nor did I ever hear, that he failed in any of these assumptions.

5. Then they produced one Mr. Broad, who testified, 'that while S. Giles lived at Oxford, some Doctors came to him [b].' Doctors were able to deal well enough with him; but all resort of young scholars was forbidden. He says further, 'that M. S. Giles should say, that the bishops of England were cordially of his religion, but that he feared their rigidness would spoil all.' First, this is but a report of his speech. Secondly, why was not S. Giles at his examination asked, whether he said it or no? And if he did, what ground he had for it? At the most, 'twas but his opinion of the bishops, who were never the more cordial to Popery, for his thinking

[b] [Broad particularly specified Dr. Turner, and Dr. Johnson. (Prynne, Cant. Doom, p. 428.)]

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so. "And thirdly, I doubt it appears by this time, that all is overthrown, or near it, not by the rigidness, but by the over-remissness of some bishops, who never would believe any danger could come from the 'godly,' as they were called."

6. Lastly, what's the reason of this great endeavour, upon nothing but news in a letter[1], to make S. Clara, and Mr. S. Giles, to be one and the same man? "Doubtless, nothing but an hydropical thirst after my blood." For resort of priests to Lambeth was usual in both my last predecessors' times, Bancroft's and Abbot's. And some lay in the house and had relief. This was proved to the Lords by two ancient servants of that house. Neither of which have been done in my time. Archbp. Abbot made a warrant (this warrant was showed[2]) to secure Mr. Preston, an English priest[c], upon a command[d] of King James[e]: why may not I a French one, by the warrant of King Charles? King James justified Bishop Bancroft for doing this, when he was Bp. of London, and no privy counsellor: and may not I do it, being Archbp. and privy counsellor, with as much privity of the King and the State, as he did? But to let these pass, why should I say, here was a thirst for blood? I'll tell you why? The statute of 27 Eliz. makes it 'felony without benefit of clergy, to maintain or relieve any Romish priest born in England, or any other of her Majesty's dominions, knowing him to be such[f].' Now they had laid their Article[g], that I had given main(219)tenance to Monsieur S. Giles, a popish priest at Oxford, knowing him to be such. But when, upon examination of S. Giles, they found him to be a Frenchman, and so not within the statute—(as the words of that statute are most plain, and so is Sir Edw. Coke's judgment upon them[h],

[1] ['upon nothing . . . a letter,' these words underlined.]
[2] ['(this . . . showed)' in margin, as a note.]

[c] [Father Preston had written several books in defence of the Oath of Allegiance, under the name of Roger Widdrington. See a memoir of him in Dodd's Church History, vol. ii. p. 420.]
[d] Confer. at Hamp. Court, p. 51. [Lond. 1604.]
[e] [See a statement relating to Preston's condition in prison, and a letter of Abp. Abbot to the Attorney-General in favour of some Romish priests, in Rushworth's Collections, vol. i. pp. 241—243.]
[f] 27 Eliz. cap. 2. § 3.
[g] Art. 7. addit.
[h] Lib. iii. Instit. cap. 37. [p. 101. Lond. 1648.]

both which I then read to the Lords)—I say, when they saw this, then they cast about how to make S. Clara and Mr. S. Giles to be one man [i]. And though they could find no shadow of proof of a thing that is not, but a 'letter of news from Venice,' "yet against their own knowledge and conscience, they give that in evidence to reach my life any way." Die Decimo-octavo.

Here Mr. Nicolas, so soon as he discovered whither I tended, would have broken me off, saying, they did not urge it for that now, they were not yet come to it. I replied, if they came to it after, I would be at the pains to answer again: but since it concerned my life, I would not slip it now, nor leave it unanswered in any circumstance. So I went on, but they never mentioned it after; and by this way meant certainly to have involved me within the law, Clara being an Englishman born. "God of His mercy grant, that this thirst after my blood lie not too heavy another day upon their souls. Mr. Brown in summing up the charge, fell upon this also. I made a brief answer out of that which is aforesaid: yet after, in his reply, he fell upon this letter of Mr. Middleton's, and cites his news for evidence, that Sta. Clara and Mr. S. Giles were the same man. Which I much wonder, so able and grave a man as he is, should swallow from Mr. Pryn, who doubtless (being present) was angry to see himself so laid open in the House of Commons."

XII. At last came in the last charge of this day: 'That a cardinal's hat was offered unto me.' My Diary quoted for this, at Aug. 4, and 21, 1633 [k]. I could hinder no offer, unless I could prophesy what each man came about, and so shun them. But why is not my answer there set down, expressed too? My answer was, 'That somewhat dwelt in me, which would not suffer me to accept that, till Rome were other than now it is.' Besides, I went presently to his Majesty, and acquainted him with it: which is all that the law requires at my hands [l]. And his Majesty very prudently and religiously

[i] After all, Pryn would insinuate, that S. Giles was the same man with Sancta Clara, and wrote the book intituled, 'Deus, Natura, et Gratia,' although he fully knew the contrary, Compl. Hist. pp. 427, 429. Nay, he hath the confidence at last (p. 430) to add, that 'it is most apparent.'—H.W.

[k] [Works, vol. iii. p. 219.]

[l] Sir Ed. Coke, lib. iii. Instit. c. 3. [p. 36. Lond. 1648. Where it is said to be misprision of treason to conceal

(yet in a calm way, the persons offering it, having relation to some ambassador) freed me speedily of that, both trouble and danger. They urged further out of the papers of Andreas ab Habernfield (which Mr. Pryn took from me in his search), 'that Signior Con[m] had power to offer me a cardinal's hat.' The words which they cite, are (for I could never get sight of those papers since), *Mandatum habuit offerre, sed non obtulit*[n]. What power he had to make me such an offer, I know not; but themselves confess he did not offer it. Nor had I ever any speech with him, during all the time he stayed here. I was solicited as much by honourable friends to give him admittance to me at Lambeth, with assurance he should speak nothing about religion, as ever I had about anything in my life[1]. I still refused, and could not persuade myself to do other; and yet could not but inwardly (*in verbo sacerdotis*, this is true[2]) condemn myself of gross incivility for refusing. 38
For which yet now I see I am much bound to God for that unmannerliness. Had I held a correspondence with him, though never so innocent, where had I now been? Besides, I would not have it forgotten, that if 'to offer a cardinal's hat,' or any like thing, shall be a sufficient cause to make a man guilty of treason, it shall be in the power of any Romanist to make any English bishop a trai(220)tor when he pleases: a mischief not to be endured. And thus this long and tedious day ended; and I had order to attend again on July 24, which I did accordingly.

[1] ['as ever I . . . my life.' in margin.]
[2] ['(*in verbo* . . . is true)' as a marginal note.]

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a Bull, and that in case of treason information should be given to the King as soon as possible.]

[m] [The Pope's nuncio.]
[n] [See Rome's Master-piece, p. 586 in marg.]

CAP. XLI.

THE NINETEENTH DAY OF MY HEARING.

THIS day they went on with the same Article. And the first charge was, 'my denying the Pope to be Antichrist:' the proofs; 'the alteration of the clause in the letters patent for the Palatinate; and the letters between Bp. Hall and me.' These proofs are answered before[a], and repeated here only to make a noise. Nor did I in any of these deny the Pope to be Antichrist. For, to forbear that word, for some both temporal and ecclesiastical respects, is one thing; and to deny the thing itself is another. Die Decimo-nono. Julii 24, 1644. Wednesday. I.

The second consists of a great many particulars, and most of them urged before, repeated only to help to make the ignorant clamorous and wild against me. God forgive them this practice. II.

1. The first particular was Shelford's book: 'The whole Book[b].' And Mr. Pryn very gravely said, that 'this book and the other two following, were found in my study.' Is he not yet ashamed of this argument? May I have no book in my study, but I must be of the same judgment with the author in all things? The author is altogether unknown to me. The book was licensed at Cambridge. So nothing faulty in me, but the having of the book in my study.

2. The second was, Dr. Heylin's book against Mr. Burton. This book was printed by my command (they say), 'and in it is a passage for absolute obedience to kings,' p. 129[c]. This was before also. And I did command the printing of the book; but gave no warrant to put anything unjustifiable into it. This passage I caused to be read to the Lords, and the Doctor there says no more than what he learned of King James in the Conference at Hampton Court[d]. But if anything be amiss, he is ready to answer it. But I find not one word

[a] [See above, pp. 308. 312.]

[b] [The title of the book is, 'Five pious and learned Discourses, by Rob. Shelford, of Ringsfield in Suffolk, Priest. Camb. 1635.']

[c] Heylin, cont. Burton, [*i.e.* 'A brief and moderate answer to the seditious and scandalous charges of Henry Burton,' &c.] p. 129. [Lond. 1637.]

[d] [As quoted by Heylin in the passage referred to above.]

Die Decimo-nono.

in him, that this absolute obedience ought to be in anything that is against law. "That's one of Mr. Nicolas his stretches."

3. The third particular is Bp. Mountague's Appeal, p. 141[e]. But nothing hence charged upon me, but only, that the book was found in my study. I would Mr. Pryn could find any books there now.

4. The fourth was, 'That divers books of like nature were 3[
licensed by my chaplains.' But none was of all they then named, but Dr. Heylin's, and Sales'; of which your Lps. have heard the plot how it came to be licensed[f]. And for Dr. Heylin, he is ready to make all good, which he hath therein done.

5. The fifth particular is, that the Homilies which are authorized in the Church of England, 'make the Pope Antichrist,' p. 216[g]; 'and the Babylonish beast of Rome,' p. 316[h]. But, first, this is nothing against me, till it be proved (which yet is not done), that I have positively denied the Pope to be Antichrist. And, secondly, I do not conceive, that the Article of the Church of England[i], which confirms the Homilies, doth also confirm every phrase that is in them. Nor, thirdly, do I conceive that the Homilies in those places which are cited, do make the Pope 'the great Antichrist.' For, in the first place, the words are, 'to the beating down of sin, death, the Pope, the devil, and all the kingdom of Antichrist:' which words cannot possibly imply, that the Pope is that Antichrist. In the second place, he is only called the 'Babylonical beast of Rome;' which phrase doth not necessarily signify 'the great Antichrist.' For the beast so often mentioned in the Revelation[k], is nowhere called the 'Babylonical beast of Rome.' And if that beast do stand for the 'great Antichrist,' (I say 'if,' because those Scriptures are very dark,) then the beast is primarily the Roman empire in the judgment of the Geneva noters[l]. And that there should be two great Antichrists is more than any man hath yet said[l].

[1] ['Nor, thirdly, . . . hath yet said.' on opposite page.]

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[e] ['Appello Cæsarem,' &c. p. 141. Lond. 1625. Mountague here maintains that the Pope is not Antichrist.]

[f] [See above, p. 286.]

[g] [Hom. for Whit-Sunday, par. ii. p. 398. Oxf. 1814.]

[h] [Hom. against Wilful Rebellion, par. vi. p. 510.]

[i] Art. 35. Eccl. Ang.

[k] Cap. xi. 7.

[l] Annot. in Apoc. xvii. 8.

Here Mr. Nicolas was up again with 'pander to the whore of Babylon,' and his other foul language; "not remembering all this while (which yet I was loth to mind him of), that one of his zealous witnesses against the 'whore of Babylon,' and all her superstitions, got all his means (which are great) by being a pander to other lewd women; and loved the business itself so well, as that he was (not long since, men say) taken in bed with one of his wife's maids. Good Mr. Nicolas, do not dispense with all whores, save the whore of Babylon." Die Decimo-nono.

6. The sixth particular was, 'the Articles of Ireland, which call the Pope the Man of Sin[m].' But the Articles of Ireland bind neither this Church nor me. And some learned Protestants do not understand (221) that noted place of the Apostle, 2 Thess. ii. [n], as meant of Antichrist, or the Pope.

7. The seventh and last particular is, a repetition of Sancta Clara and Mr. S. Giles; and the 'letter of news' (which were news indeed), 'to make them one man;' though this were answered at large but the last day[o]; and Sir Ed. Hungerford's testimony brought up again [p]. It 's a sign Mr. Nicolas hath indeed no 'downright[1] proof' (as he said before), that so tumbles up and down in repeating the same things.

The third charge is, that I say in my book, 'That the religion of the Church of Rome and ours is all one[q].' This is spoken only in opposition to other religions, in regard of Christianity. The words are, 'Nor do the Church of Rome and the Protestants set up a different religion; for the Christian religion is the same to both,' &c. And the like passage to this is in my speech in the Star-Chamber[r]. And these passages were read to the Lords. So that either Papists must 91 be denied to be Christians, or else this charge can work nothing against me. III.

The fourth charge is out of Chuneus his book, pp. 45 and 46[s], IV.

[1] [This is written in MS. 'downright right,' apparently by mistake.]

[m] [Articles agreed upon in the Convocation at Dublin, 1615, Art. lxxx.—Wilkins, Conc. tom. iv. p. 453.]

[n] 2 Thess. ii.

[o] [See above, p. 327.]

[p] [See above, pp. 277, 278.]

[q] My book cont. Fisher, p. 376. [§ 39. num. 3. p. 417. Oxf. 1849.]

[r] Pag. 36. [Lond. 1637.]

[s] [The title of the book is, 'Collectiones Theologicarum quarundam Conclusionum ex diversis authorum sententiis perquam breves sparsim excerptæ opera et industria Thomæ Chounei de Alfristonio in Comitatu Sussexiæ Armigeri. Lond. 1635.' The author's proper name was Thomas Chowney (Wood, Ath. Ox. ii. 601).]

Die Decimo-nono.

'licensed by my chaplain Dr. Braye[t], where (they say) 'tis said, that Rome is a true Church, and differs not in fundamentals[u].' And 'that at the High-Commission,' when this book was questioned by some, 'I did say that the Church of Rome and the Protestants did not differ in fundamentals, but in circumstances.' And this latter part was testified by Mr. Burton and one Mr. Lane, who said they were present. First, suppose this be false, and that they do differ in fundamentals; yet this then is my error in divinity, no practice to overthrow religion. Secondly, I suppose, if I did so say, I did not err: for the foundations of Christian religion are the Articles of the Creed, and the Church of Rome denies no one of them: therefore there is no difference in the fundamentals. If they of Rome differ in exposition of some of these, that must needs be a superstructure upon, or beside the article, not the article or foundation itself. Nor did I follow my own judgment herein, but Calvin's; who says expressly, 'that in despite of Antichrist, the foundations of the Church remained in the Papacy itself, that the Church might not wholly perish[x].' And this passage was then read to the Lords. Thirdly, these two learned witnesses (as they would be reputed) are quite mistaken in their very terms. For they report me, as if I said, 'not in fundamentals, but in circumstantials;' whereas these are not *membra opposita*, but fundamentals and superstructures, which may sway quite beside the foundation[y]. And this though not the only, yet is a main failing in the Roman fabric; in which many things are built upon unwarrantable tradition, as is expressed in my book at large[z], and their many superstitions named; and that passage read also to the Lords. For though they differ not in the prime foundations, yet they in many things grate close upon them[a], and in some things fall beside them, to no

[t] [The book was licensed by William Haywood.]

[u] ["Nec in pessimis usque eo degenerasse censemus, ut in primariis et fundamentalibus religionis capitibus aberrasse videantur."—Chounei Coll. Theol. Coll. xvi. pp. 45, 46.]

[x] "Quemadmodum ... sæpe diruuntur ædificia, ut fundamenta et ruinæ maneant; ita non passus est Ecclesiam suam ab Antichristo vel a fundamento subverti, vel solo æquari, &c. sed ab ipsa quoque vastatione semirutum ædificium superesse voluit."—Cal. lib. iv. Inst. cap. ii. § 11. [Op., tom. ix. p. 281. Amst. 1667.]

[y] Cont. Fisher, § 3. [num. 9.] p. 11. [p. 11. Oxf. 1849.]

[z] Cont. Fisher, [§ 39. num. 4.] p. 377. [p. 417. Oxf. 1849.]

[a] Cont. Fisher, § 37. num. 6. p. 320. [p. 356. Oxf. 1849.]

small hazard of their own souls [1]. As for 'circumstantials,' it seems these men have forgotten, or never knew, that many times 'circumstantials' in religion do quite destroy the foundation. For example: the circumstances are these: *Quis? Quid? Ubi? Quibus auxiliis? Quomodo? Quando?* Die Decimo-nono.

1. *Quid?* What a man believes? And that contains fundamentals, and in the first place.

2. *Ubi?* Place, a mere circumstance; yet to deny that Christ took our flesh of the B. Virgin, and that in Judea, denies the foundation, and is flat Judaism.

3. *Quibus auxiliis*, by what helps a man believes, and in some measure obeys as he is commanded? For to believe that a man doth this by the strength of nature only, and not by aid and assistance of grace, is with the Pelagian to deny the foundation, and to overthrow the grace of Christ.

4. *Quando?* When? That's time, a mere circumstance: yet to deny that Christ is already come in the flesh, denies the foundation utterly, and is flat Judaism, and an inseparable badge of the great Antichrist, 1 John iv.[b] And in the case of the Resurrection, to say 'tis past already (which is time), 12 St. Paul tells us, 2 Tim. ii.[c], is no less than 'the overthrow of the faith.' And the rule is general, that some circumstances *dant speciem*, give the very kind and form to a moral action [d]. (222) "This for their ignorance; but for the malice of their oath, I leave them to God's mercy. Here Mr. Brown, when he summed up the evidence against me, fell upon this, and said, that when I gave divers instances what dangerous errors circumstances did sometimes breed in religion, I gave no instance in any point of Popery. But to this I answered, first, that it was not material what instances I made, so I was able to make some. Secondly, that it was not possible for me, or perhaps a readier man, to have all instances so present with his memory. Thirdly, if an instance in Popery, rank Popery will serve the turn, you may take it in Transubstantiation. That is either a fundamental point, or it is not. If it be not fundamental, why did the Papist put the Protestant

[1] ['as is expressed . . . souls.' on opposite page.]

[b] 1 S. John iv. 3.
[c] 2 Tim. ii. 18.
[d] "Aliqua circumstantia dat speciem actui morali."—Tho. 1. secundæ, q. lxxiii. A. 7. ad primum.

Deci- mo. to death for it? And why did the Protestant suffer death? If it be fundamental (as it seems by both sides it was accounted) it is upon the bare circumstance of *quomodo?* How Christ is present in the sacrament."

As for that which was said in the beginning of this charge, 'that Rome is a true Church:' I ever did, and ever must grant it, that such it is *veritate entis*, in the truth of its entity and being. For as I have said against Fisher[o], *ens et verum*, 'being' and 'true,' are convertible one with another. And everything that hath a being, is truly that being which it is in truth of substance; but a right or an orthodox Church I never said it was, either in doctrine or manners. As a thief is a true man in verity of his essence, that is, he is a creature indued with reason; but it doth not therefore follow that he is a true man *veritate moris*, in his life and conversation. "And this I answered first to the Lords, and after to Mr. Brown's summary charge, who in his last reply said two things: first, 'that when I said Rome was a true Church, I spake it generally without this distinction.' But this is quite beyond the proof; for no witness says so. Besides, it is manifest by distinction of fundamentals from other doctrines (acknowledged by both the witnesses), that I did not speak it absolutely, but plain enough to any ordinary understanding. Secondly (which I was very sorry to hear from so grave a man), he added, 'that there was no truth of a Church, but in the verity of doctrine and manners; and that in *veritate entis* a company of Turks were a true Church.' Now God be merciful to us, whither are we posting? 'Tis known that the Greek word Ἐκκλησία, which signifies 'Church,' signifies also in heathen authors, any kind of 'company' or 'congregation' of men, Turks if you will. But in ecclesiastical writers, and among all Christians, the word 'Church' is used only (and so Ἐκκλησία too) for a company of men which profess the faith of Christ, and are baptized into his name. And will any man say that a company of Turks are such a Church in *veritate entis*, in the verity of this being; as all the world knows Papists are? Or if he will not speak *de ente tali*, but change the *suppositum*, he may say what he please. But I was very much troubled to hear this, and from him."

[o] [Contr. Fisher,] § 20. [num. 2.] p. 128. [p. 143. Oxf. 1849.]

I had almost forgot that Mr. Nicolas here pressed the autho- Die Decimo-nono.
)3 rity of the Homilies [f] upon me again, where 'tis said, 'that the Bishop of Rome and their adherents are not the true Church.' But the answer is easy: for I say as the Homily doth, and as it means too in that place. Namely, that the Church of Rome is not the 'true,' that is, not the 'Catholic' Church, nor the 'head' thereof. But there is a great deal of difference between 'the Church,' and 'a Church:' the one is the general, the other a particular. 'The Church' it cannot be; 'a Church' it is, and a true one too, in the sense before specified [1]. Upon occasion of this, Mr. Nicolas his mouth was open again, and said, 'that at the beginning I reckoned up some that I had converted: but if this were my opinion, and that if this might stand for good, I might convert the devil and all.' My ears had been so beaten with his language, that I was patient, and left him to insult. And to help on this business, while he was in these loud expressions, the E. of Pembrook came to Mr. Burton to the bar, and in my hearing desired him to repeat the testimony he had given; which Mr. Burton did, and his Lp. seemed to be much pleased with it. Not long before, when the news was come hot to the House, that York was taken; when I came at five in the afternoon to make my answer, I was no sooner come to the bar, but the same Lord came and sat just before me, and there with much joy told Mr. Lieutenant the news. I presume he did it in favour to me, because he thought it would put me in very (223) good heart, being then instantly to begin to make my answer. God forgive this lord; for I have deserved in my time far better of him, if he understood himself, or any man else.

The next charge was out of Dr. Pocklinton's [2] *Altare Chris-* V.
tianum, pp. 49, 50, where he speaks (they say, for I now have not his book [2]) 'of a happiness that the bishops of England can derive their succession from S. Peter [g];' which in great

[1] ['I had almost . . . before specified.' on opposite page.]
[2] ['for I . . . book)' in margin.]

[f] Hom. [for Whit-Sunday] par. 2. p. 213. [p. 394. Oxf. 1813.]

[g] ["Miserable were we, if he that now sitteth Archbishop of Canterbury could not derive his succession from S. Augustine, S. Augustine from S. Gregory, S. Gregory from S. Peter."—Pocklington's Altare Christianum,

a Decimono. scorn Mr. Nicolas called the 'Archbishop's pedigree.' First, if there be any crime in this, Dr. Pocklinton is to answer it, not I. Secondly, he may scorn what he will; but wise men know, 'tis a great honour to the Church of England, and a great stopple in the mouths of the Romanists, that her bishops can derive their calling successively from S. Peter; especially considering, how much they stand upon personal succession. Thirdly, Dr. Pocklinton in this says no more for me and the bishops, than S. Augustin urged for himself and his brethren against the Donatists in the same words [k], save that S. Aug. begins at S. Peter, and descends to his own times; and the Dr. begins at his own time, and ascends to S. Peter. "But it seems an upstart Clergy without a calling will serve Mr. Nicolas well enough."

VI. The sixth charge was, 'That books were written of purpose to maintain these opinions; and such men as writ them only preferred.' He named Mr. Shelford [i], Mr. Butterfield [k], Dr. Cosins and Dr. Pocklinton. This hath been clamoured upon already; if any have set out unworthy books, they may be called to account for it: I hope I shall not answer for all the divines in the kingdom. "They whom I preferred, were worthy and able men, and it will not be in the power of Mr. White's Centuries [l], to blast a man of them among any 39 that know them." For these that are named, Mr. Shelford I know not; Mr. Butterfield I saw punished in the High-Commission: neither of them preferred, that I know. "The two last, by whomsoever they were preferred, deserved all the preferment they had, and more."

VII. The seventh charge is out of my Diary at June 15, 1632, where 'tis said, that 'I preferred Mr. Secretary Windebank, my old friend [m].' And here Mr. Nicolas laid all the correspondency open, which (he said) that gentleman had with the Pope's agents, with priests and Jesuits, and when he had

cap. ix. p. 50. 2d Edit. Lond. 1637. The same passage is in p. 34 of the first edit. published in the same year.]

[k] "Petro successit Linus, Lino Clemens, &c. Et sic usque ad Anastasium, qui nunc sedet. Et in hoc ordine successionis nullus Donatista Episcopus invenitur."—S. Aug. Epist. clxv. [liii. Ben. Op., tom. ii. coll. 180. C. D. 181. A. The substance only of the passage is given by the Abp.]

[i] [See above, p. 333, note [b].]

[k] [The title of Butterfield's book was, 'Maschil, a treatise against H. Burton.' Lond. 1629.]

[l] [In reference to the title of White's book, 'The first Century of Malignant Priests.']

[m] [Works, vol. iii. p. 215.]

made him this way as foul as he could, 'then I must be guilty of all, for preferring such a man to the King.' This gentleman was indeed my ancient friend: in my many years' acquaintance with him, I saw nothing in him, but honesty and worth: if when he was preferred, he deceived my opinion, he is living to answer for himself. Many, in all ages, have been preferred to princes, which do not answer the hopes and desires of them which prefer them; and yet they not made answerable for them neither: but whether he did fail in any public trust or no, I am not his judge. Yea; but 'some letters were found from his son Thomas, what entertainment he had in foreign parts for his father's sake [n].' But these letters were read to the Lords, and there is not one word in them, that relates to me: and 'tis both likely and fit, the son of a Secretary of State should be worthily used in his travels. Yea; but 'his son Christopher was at Rome, and sent thither to insinuate himself with the Pope [o]: so Andreas ab Habernfeld writes in the papers which Sir William Boswell sent over to me.' If he did send his son to that end, then I discovered his plot, for I caused those papers to be examined by the King and the Lords, as is before related. Besides, in my poor judgment the Pope must be a very simple man, ("it may be Mr. Nicolas thinks him so, compared with himself") that a youth of seventeen at the most should insinuate himself to fish anything out of him for his father's service. Lastly, he pressed, 'that my interest continued with Mr. Secretary in all these courses of his.' 'Tis well known in court the old interest did not con(224)tinue between us; but for old friendship's sake, I will not be drawn to say more. As 'for his releasing of any priests,' he must give an account of that himself. But for myself, I was so careful in this particular, that I never put my hand, though public at Council-table or Star-Chamber, to any release in all my time. I might be named as present, when such release was made (which I could not avoid) but act in any I did not. Nay, I was so careful that I refused to set my hand to any licence to travel, lest if any young man should be perverted abroad in his travels, anything might be imputed to me. And this all the clerks of

Die Decimo-nono.

[n] [See Prynne's Cant. Doom, p. 446.]
[o] "Qui se insinuaret cum Papa." [See Rome's Master-Piece, p. 593 in marg.]

the council can witness. "But I see no wariness, no care, can prevent the envy and the malice of the many, and the mighty."

The eighth charge was, 'my correspondence with Popish priests.' And for proof of this, they produced divers witnesses[p].

1. The first witness was one Wadsworth, one of the common messengers used to attach such persons[q]. He says 'that Smith, alias Fludd[r], bragged to him that he had acquaintance with me.' Here's nothing but a bragging report of Smith, who what he is I know not. So here's no proof. He says, 'that four pound was sent to himself to free him out of prison, and that Davis told him it came from me.' This is but a hearsay from Davis, as the former was from Smith. But say, my Lords, if I did send him four pound to free him out of prison, doth he not now very thankfully reward me for it? The truth is, my Lords, I did send him four pound: and the motive that made me send it, was because I heard he was a convert from Popery to be a Protestant, and that his imprisonment was as much for that as for anything else. And this was attested to the Lords, by my servant, Mr. Snath[s], who was one of them that moved me for him.

2. The second witness was Francis Newton, another messenger. He says, 'that when he had taken Hen. Mors, a priest[t], he should have been carried to a private Committee; that he disliked it, and complained to Mr. Secretary Cook, who (he says) sent him to me; and that when he came to Lambeth, Mr. Dell told him I was in my garden with Sir Toby Matthew[u].' My servant, Mr. Dell, being appointed my solicitor, was now present in court, and denied all this. And well he might, for Sir Toby was never in my garden with me in all his life. And if 'Mr. Dell told him that I would not meddle in the business,' (as he says he did,) Mr. Dell must

[p] [See Prynne's Cant. Doom, pp. 449 seq.]

[q] [James Wadsworth, the author of "The English Spanish Pilgrim." He was originally a Romanist, being the son of James Wadsworth, mentioned in Walton's Life of Sir H. Wotton. He afterwards returned to the Church of England, and was employed to attach Romish priests. From the account Wood gives of him (Ath. Ox. iii. 1077,) he was a most disreputable character.]

[r] [Prynne calls him Henry Smith, alias Loyd. Was this the same person with John Floyd, or Fludd, who wrote under the name of Daniel a Jesu?]

[s] [George Snath. He was bequeathed 50*l.* by the Archbishop.]

[t] [Morse appears to have been an active and successful emissary. It was in consequence of a complaint made by William Haywood that he had drawn off many of the parishioners of St. Giles, that he was committed to prison. See a letter of G. Garrard in Strafford Letters, vol. ii. p. 57.]

[u] [See Works, vol. iii. p. 230, note [c].]

give the account for it, not I. Yet if there were a reference of this Mors to a private Committee, the hindering of that was more proper to Mr. Secretary than to me. Howsoever, here was no hurt done. For he confesses 'that Mors was sent back to Newgate.' And if (as he further says) 'he was discharged by Mr. Secretary Windebank [x],' that is nothing to me. He says, 'he was informed by Stukely [y], that Smith, alias Fludd [z], was acquainted with me.' But if he were but informed so himself, that's no proof to inform your Lps. He says, 'that Brown a priest was dismissed out of the High-Commission.' Thus it was: he was called in thither, for very foul uncleanness. In process of this business, he there openly confessed himself a priest. Hereupon that court sent him to Newgate. "What became of him after, I know not, save that I know he was strictly examined by Mr. Pym and others concerning me." This Newton, upon what grudge I know not, calls me rogue, and all-to naught, in all companies; and with so much I acquainted the Lords. Die Decimo-nono.

3. The third witness was Tho. Mayo, a messenger also. He says, 'that Sir Toby Matthew was accounted a priest when he was in parts beyond the seas, and that he saw him in coach with me, and that he went over with me in my barge.' First, I give in two exceptions against this witness. One, that he was a man of no conscience, for he had shifted his religion from Protestant to Papist, and back again three or four times: which was a thing known. The other was, that (225) he kept a brothel-house at this present: and that his fellow, Wadsworth, knew this, and called him pinking [a] knave, saying, he kept a brace of wenches at this time in his house. And these words he spake of him but the fifth of this present July, in the Bull tavern in the Palace-yard. So I thought him no fit witness. But he was heard for all this. "And afterwards, Wadsworth meeting my servant, Mr. Snath, he told him, that he did say so to Mayo, and wondered how I should come to hear it." Being admitted, and saying as he did, I told the Lords, that he began with a very bold oath,

[x] [He was discharged June 16, 1637. (Prynne's Hidden Works, p. 124).]

[y] [A Romish priest.]

[z] [Prynne calls him Henry Loyd, alias Francis Smith, alias Rivers, alias Simons (Cant. Doom, p. 450). John Rivers was discharged by Windebank's order, April 13, 1635. (Prynne's Hidden Works, p. 124).]

[a] [This is the reading in the MS. Abp. Sancroft suggested 'pimping,' which Wharton adopted.]

The Decimo-nono.

and like a shifter of his religion. For I had four of my servants there, three of which[1] usually attended me, when I went and returned from court, Mr. Dell, Mr. Snath, Mr. Goodwin[b], and Mr. Dobson, and they all attested the contrary: and I never went, but one of these at least was with me. Besides, he is single in this testimony. He says, 'that he saw Sir Toby several times in my house.' But he confesses withal, that he never saw him near me. For my own part I cannot say, that ever he was within my doors. But if he, or others of his quality, do come to pry out anything in my house, how is it possible for me to hinder it? My porter could not see it written in their foreheads, who they were. He says, 'that one Price was often seen at my house.' But he doth not say, he was seen with me, or there with my knowledge. He says, 'that one Leander was reported to have been my chamber-fellow in Oxford[c].' First, this is but a report, and so no evidence. Secondly, if he were my chamber-fellow in Oxford, when we were boys together, I am sure he was then no priest, and he was but a boy when he left the college. He confesses. that I gave order to observe who, and how many resorted to ambassadors' houses, and Sign. Conn's, and says, he thought I could prove it. But I believe he would never have confessed it, but that he knew I could prove it. And thereupon I showed the Lords many papers certifying me what numbers were found resorting to each place respectively. And Thomas Mayo's hand to many of those papers. He says, 'he took one Peter Wilford and brought him to me to Whitehall while Sir Jo. Lambe was with me.' But he confesses withal that Wilford then showed Mr. Secretary Windebank's warrant to discharge him[d]: and then what could I do to him? Nay, I have some cause to think he would never have apprehended him, had he not known he had that warrant. Lastly, he says, 'that once at the Star-Chamber I told him he was too quick and nimble for me.' And I hope it is no treason if I did say

[1] ['three of which' in margin.]

[b] [John Goodwyn. He was bequeathed 10*l.* by the Archbishop. The other persons here mentioned are noticed elsewhere.]

[c] [See above, p. 317, note [d].]

[d] [Peter Wilford had been released from prison by Windebank's warrant, March 23, 163¾. (See Prynne's Hidden Works, p. 124.)]

so. Nor could I mean he was too quick in apprehending priests, for I found both him and his fellows after Crosse's death slow enough at that: but if I said so, it was because I could not tell how to trust his shifting and his wiliness. Die Decimo-nono.

4. The fourth witness was Eliz. Graye, wife to another messenger. And this is a very fine witness. For first, she says, 'her husband was committed by my means.' And then with a breath she says, 'she doth not know by whom he was committed, but she thinks by Secretary Windebank and me.' But since she doth not know, but think only, I hope her 'thinking' can be no evidence. She says, 'that she delivered me a petition, and that I flung it away, saying, I would not meddle with any priest-catching knave.' The witness single, and I doubt doating, and the words far from treason.

5. The fifth witness was John Cooke, a messenger too, and one that for his misdemeanor had stood in the pillory. This I urged against him, as unfit to witness against me: "my witness that saw him in the pillory was so threatened, that he sent me word he durst not come. I may not say from whom this threatening came." But the thing was so true, that Cooke himself confessed it, but excused the cause; and his testimony received. He told 'how Fisher the Jesuit was taken by Graye: that when he was brought to the council-
)7 table, Secretary Cooke and I went to the King to know his pleasure about him: that we brought back word from his Majesty to the Lords, that he should be banished.' All this while here's no hurt done. Then he says, 'that notwithstanding this order of his Majesty, Graye and he met Fisher at liberty, by a warrant from Secretary Windebank: that (226) hereupon Graye repaired to Secretary Cooke, and to me, and that Dell told him I would not meddle with it.' My Secretary must answer this, I remember it not. But if Mr. Dell received any such answer from me, that 'I would not meddle with it;' there were two apparent reasons for it. One, that I would not meddle with it alone, his Majesty's order being to all the Lords. The other, that Fisher was the man I had written against, and men would have been apt to say, that when I could not answer, I sought means to destroy: so I no way fit (alone at least) to meddle with him of all men. He says 'that Graye was committed to the Fleet, for railing on me in

my own house.' Yet he confesses that he was not committed by me. And I presume your Lps. will think there was cause of his commitment, if he did rail upon me. And 'tis confessed by Mr. Pryn (though he had then received no answer from myself) 'that he said he saw now how the game went, and hoped ere long to see better days [e],' &c. He says, 'that Smith, al. Fludd, desired Sir Kenelm Digbye [f], as he was going to Lambeth, to tell me that he could not dine with me that day, but desired his business might be remembered.' No such man ever dined at my table, to my knowledge. And if any priest would say so to Sir Kenelm, how could I possibly hinder it? And Sir Kenelm, when this Cooke was examined, was a prisoner in Winchester-House; why was not he examined to sift out this truth? If truth be in it.

6. The sixth witness was John Thresher [g], a messenger too: he says, 'that he took Mors and Goodwin [h], two priests; and that Secretary Windebank took away his warrant, and dismissed them, saying, he would speak with me about it. And that when he came to me, I was angry with him about the warrant.' Mr. Secretary Windebank will, I hope, be able to answer for his own actions. Why he dismissed the priests I know not; but he had great reason to take away his warrant: and I a greater reason to be angry with him for it. For no warrant can issue from the High-Commission court, but under three of their hands at least. Now Thresher, having gotten my hand to the warrant, never goes for more hands, but proceeds in his office, upon this unwarrantable warrant. Had not I reason to be offended at this? He says, 'that at the same time I said that Graye was an ill-tongued fellow, and that if he kept him company, I should not regard him.' I had good cause to say this and more, considering how Graye had used me. And I believe no Archbishop would have borne his words. Lastly, he says, 'that by a warrant from me he arrested Sir Toby Matthewe, and that the Earl of Strafford stayed him from going to prison, saying, he should answer it before the Lords.' Here by the witness himself it appears that I did my duty. And Sir Toby did appear before

[e] The Pop. Roy. Favourit. p. 31. [Lond. 1643.]

[f] [It is sufficient to refer to Wood, Ath. Ox. iii. 688, for a detailed account of this accomplished person.]

[g] ['Thacher.' Prynne's Cant. Doom, p. 453.]

[h] ['Gardiner.' Prynne, ibid.]

the Lords, as was assumed[i] he should. In the meantime, Die Decimo-nono.
I was complained of to the Queen: and a great lady (who perhaps made the complaint) stood by, and made herself merry to hear me chid. The Queen was pleased to send to the Lords, and Sir Toby was released. Where my fault was in all this, I do not yet see.

7. The last of these famous witnesses was Goldsmith. Who says nothing, but 'that one day before the High-Commission court began, I forewarned the messengers of that court of Graye, in regard he was openly spoken against at the Council-table.' Which, all things considered, I had great reason to do. He says likewise, 'that then Graye's wife tendered me a petition, which I rejected, saying, I would meddle with no priest-catching knaves[1].' I think his carriage deserved no better of me, than to reject his petition: but as for the words, I cannot own them; let the Goldsmith look to it that he have not forged them[2j]. And I would very willingly know whether, when the Apostle required, 'that an accusation should not be received against an elder, but under two or three witnesses,' 1 Tim. v.[k], he had any meaning they should be such as these?

The ninth charge was 'about the ordering of Popish books IX.
that were seized, and the disposing of them.' The sole witness here is John Egerton[1]. He says, 'these books were delivered to Mr. Mattershead, register to the High-Commission.' And I say so too; it was the constant course of the High-Commission, to send them thither, and have them kept in (227) that office, till there was a sufficient number of them, and then to burn them. Yea, but he adds, 'that Mattershead told him they were re-delivered to the owners:' this is but a report, and Mattershead is dead, who should make it good. "And though this be but a single witness, and of a dead man's report, yet Mr. Browne thought fit to sum it up with the rest. But surely if any books were re-delivered to the owners, it was so ordered by the High-Commission, in regard the books were not found dangerous: from me, Mattershead had never

[1] ['saying, . . . knaves.' in margin.]
[2] ['than to . . . forged them.' on opposite page.]

[i] assured.
[j] "Frigide dictum."—W. S. A. C.
[k] 1 Tim. v. 19.
[1] [See his evidence in Prynne's Cant. Doom, p. 453.]

eci- any such command." Lastly, he says, 'he met Sir Toby
no. Matthew twice at Lambeth.' But he confesses, he never saw him with me; and then me it cannot concern.

X. The tenth charge was concerning the 'priests in Newgate;' the witnesses are Mr. Deuxel, and Francis Newton [m]. They both agree, and they say, 'that the priests there had the best chambers, and liberty to go abroad without keepers.' I hope these men do not mean to make the Archbishop of Canterbury keeper of Newgate. If any man gave them this liberty, he is to be blamed for it, not I, who never knew it till now. Nor do either of these witnesses say, that they called on me for remedy, or ever did so much as acquaint me with it. And they say 'this was twelve years since;' and I had been Archbp. but seven years when I was committed.

XI. The eleventh charge was about words in my Epistle Dedicatory before my book against Mr. Fisher. The words these: 'For, to my remembrance, I have not given him, or his, so much as coarse language [n].' So the charge is because I have not given ill words. And here Mr. Nicolas fell foul upon me again for taking such care, that 'the whore of Babylon' may have nothing but good words, &c. But, first, my Lords, I have always thought, and do still, that ill language is no proof against an adversary: all the good it can do is, it may bring scorn upon the author, and work hardness of heart in the adversary, whom he doth, or should labour to convert. And this I learned of two eminent fathers in the Church, 39
Gregory Nazienzen [o], and S. Augustin [p]. The first would not use it, no not against the Arians, who, as he saith, made open war against the Deity of Christ. Nor would the other against the same adversaries. The one accounts it ignorance, though a fashion taken up by many: and the other loss of time. And here I desired the Lords, that I might read what immediately followed this passage, which was granted: and there, as their Lps. did, so may the reader see, if he please, that though my words were not uncivil, yet in the matter

[m] [See Prynne's Cant. Doom, p. 450.]

[n] [Works, vol. ii. p. x.]

[o] [Οὐ γὰρ ἀπαιδεύτως παιδεύομεν, οὐδὲ ταῖς ὕβρεσι βάλλομεν, ὅπερ πάσχουσιν οἱ πολλοὶ, κ.τ.λ.] "Non imperite docemus, nec adversarios contumeliis incessimus, ut plerique faciunt," &c.—Greg. Naz. Orat. xxxii. [Op., tom. i. p. 518. B.]

[p] "Abstinemus nos a conviciis, ne tempus inaniter impendamus," &c.—Aug. Epist. clxxvii. [ccxli. Ben. Op., tom. ii. col. 1314. A.]

I favoured neither him, nor his. And to avoid tediousness, thither I refer the reader. With this, that sometimes men, apt enough to accuse me, can plead for this moderation in their own cases, and tell each other that 'Christ will not own bitterness in maintaining any way, though consonant to his word[q].' And another 'finds just fault both with Papists, and Martin Mar-Prelate, for this reproachful language[r].' And yet it must be a crime in me not to use it. Die Decimo-nono.

The last charge was the commitment of one Ann Hussy to the Sheriff of London[s]. The business was this. She sent one Philip Bambridge to tell me of I know not what plot against the King (nor I think she neither). Bambridge came to White-Hall toward the evening, and could make nothing of this dangerous plot. Yet because it pretended so high, I sent him presently to Mr. Secretary Windebank; I being the next morning to go out of town. The business was called to the Council-table. When I came back, I was present there. Bambridge produced Ann Hussy, but she could make nothing appear. She says, 'I thought she was out of her wits.' Not so, my Lords; but I did not think she was well in them; nor do I yet. And whereas 'she complains of her imprisonment,' it was her own desire she might be committed to the sheriff; and Mr. Hearn (my counsel here present) was assigned by the Lords to take her examination. Therefore if any par(228)ticular in this charge stick with your Lps., I humbly desire Mr. Hearn may supply my want of memory. But it passed over, as well it might. Here this day ended, and I was ordered to attend again, July 29. XII.

[q] In the Antiquæries to Mr. Pryn, p. 12. ["Certain briefe Observations and Antiquæries on Master Prin's Twelve Questions about Church Government. 1644."]

[r] Sidr. Simpson's Anatomist, pp. 2 and 6. [This book is not in the Bodleian Library.]

[s] [See Prynne's Cant. Doom, p. 459.]

CAP. XLII.

THE TWENTIETH, AND THE LAST DAY OF MY HEARING.

Julii 29, 1644. Monday. Die Vicesimo.

THIS day I appeared again, and they proceeded upon the fourteenth Original Article, which follows in these words:—

Art. 14. *That to preserve himself from being questioned for these, and other his traitorous courses; he hath laboured to subvert the rights of Parliaments, and the ancient course of parliamentary proceedings, and by false and malicious slanders to incense his Majesty against Parliaments. By which words, counsels, and actions, he hath traitorously, and contrary to his allegiance, laboured to alienate the hearts of the King's liege people from his Majesty, to set a division between them, and to ruin and destroy his Majesty's kingdoms. For which they do impeach him of high treason against our sovereign lord the King, his crown and dignity.*

I. The first charge of this day was prefaced with a note out of my Diary, at May 8, 1626, that 'the Duke of Buckingham was that day impeached to the Lords by the House of Commons[a].' And at May 25, 'The difference arising in the House of Peers about the Earl of Arundel's commitment to the Tower without a cause declared[b].' No use made of these, but that I then Bp. of S. David's took notice of these things[c]. Then the charge followed; and the first of it was[1], 'that I then being of the Lords' House, and so to be one of the Duke's judges, made a speech for him, and corrected his speech in some particulars; and of a judge made myself an advocate.' Which Mr. Nicolas said was a great offence. I saw not these papers, and therefore can say nothing, what

[1] ['and . . . was,' in margin.]

[a] [Works, vol. iii. p. 190.]
[b] [Ibid. p. 191.]
[c] See Heylin's Life of Archbishop Laud, p. 152.

is, or is not under my hand. But to the thing itself, I say, Die Vicesimo. first, that if in that speech any particular fault had been found, impeaching any right or power of Parliament, that I must have answered; but none is charged, but only the bare making of one speech, and the mending of another. And this is a very poor argument of any enmity against Parliaments. Secondly, seeing no fault is charged upon me in particular, it was but the office of a poor friend, to a great one, to whom being so much bound as I was, I could not refuse so much service, being entreated to it. And, thirdly, I do humbly conceive, that so long as there was nothing done against law, any friend may privately assist another in his difficulties. And I am persuaded, many friends in either House, do what they justly may, when such sad occasions happen. "And this answer I gave to Mr. Brown, when he summed up my charge in the House of Commons.

"But Mr. Brown did not begin with this, but with another, here omitted by Mr. Nicolas; though he had pressed it before)1 in the fifteenth day of my hearing. Dr. Potter writ unto me for my advice in some passages of a book writ by him, (as I remember, against a book intituled 'Charity Mistaken.') I did not think it fit to amend anything with my own pen; but put some few things back to his second thoughts, of which this was one, 'that if he express himself so, he will give as much power to the Parliament in matters of doctrine, as to the Church [d].' This, Mr. Brown said, took away all authority from Parliaments, in that kind. But, under favour, this takes away nor all, nor any that is due unto them. Not all, for my words are about 'giving so much power:' now he that would not have so much given to the one, as the other, doth not take away all from either. Not any that is due to them: for my words not meddling simply with parliamentary power (as appears by the comparative words 'so much'), my intention must needs be to have Dr. Potter so to consider of his words, as that that which is proper to the (229) Church

[d] [See the Archbishop's Letter, Oct. 18, 1633. Potter's letter, to which this was a reply, is given by Prynne, Cant. Doom, p. 251. The title of Potter's book is, "Want of Charity justly charged on all such Romanists as dare affirm that Protestancy destroyeth Salvation." It was printed first in 1633, and again in 1634. It was written in reply to Knott's book, called "Charity Mistaken." (Wood, Ath. Ox. iii. 181.) See above, p. 279, and also Archbishop Laud's History of his Chancellorship, Works, vol. v. p. 165, note J.]

Die Vicesimo. might not be ascribed to Parliaments. And this I conceive i plain in the very letter of the law. The words of the statut are, 'Or such as shall hereafter be ordered, judged, or deter mined to be heresy, by the High Court of Parliament in thi realm, with the assent of the Clergy in their Convocation[e]. Where 'tis manifest, that the judging and determining part for the truth or falsehood of the doctrine, is in the Church For the assent of the Church or Clergy cannot be given bu in Convocation, and so the law requires it. Now, assen in Convocation cannot be given, but there must precede a debate, a judging, a voting, and a determining. Therefor the determining power for the truth or falsehood of th doctrine, heresy, or no heresy, is in the Church: but th judging and determining power for binding to obedience and for punishment, is in the Parliament, with this assent o the Clergy. Therefore I humbly conceive, the Parliament cannot by law, that is, till this law be first altered, determine the truth of doctrine without this assent of the Church in Convocation; and that such a Synod and Convocation, as is chosen and assembled as the laws and customs of this realm require.

" To this Mr. Brown, in his reply upon me in the House of Commons, said two things. The one, 'that this branch of the statute of 1 Eliz. was for heresy only, and the adjudging of that: but meddled not with the Parliament's power in other matters of religion.' If it be for heresy only, that the Church alone shall not so determine heresy, as to bring those grievous punishments which the law lays upon it upon the neck of any subject, without determination in Parliament; then is the Church in Convocation left free also in other matters of religion, according to the first clause in Magna Charta, which establishes the Church in all her rights. And her main and constant right, when that charter was made and confirmed, 'was power of determining in matters of doctrine and discipline of the Church.' And this right of the Clergy is not bounded or limited by any law, but this clause of 1 Eliz., that ever I heard of.

" The other was, ' that if this were so, that the Parliament might not meddle with religion, but with the assent of the

[e] 1 Eliz. cap. 1.

12 clergy in Convocation, we should have had no Reformation. For the Bps. and the clergy dissented.' First, it is not (as I conceive) to be denied, that the King and his High Court of Parliament may make any law what they please, and by their absolute power may change religion, Christianity into Turkism if they please (which God forbid). And the subjects whose consciences cannot obey, must fly, or endure the penalty of the law. But both King and Parliament are *sub graviori regno*, and must answer God for all such abuse of power. But beside this absolute, there is a limited power; limited, I say, by natural justice and equity, by which no man, no court, can do more, than what he can by right[f]. And according to this power, the Church's interest must be considered, and that indifferently, as well as the Parliament's. To apply this to the particular of the Reformation. The Parliament in the beginning of Queen Elizabeth would not endure popish superstition, and by absolute power abolished it[g], without any assent of the clergy in Convocation. And then in her first year, *an.* 1559, she had a visitation[h], and set out her Injunctions[i], to direct and order such of the clergy as could conform their judgments to the Reformation. Die Vicesimo.

"But then so soon as the clergy was settled, and that a form of doctrine was to be agreed upon, to show the difference from the Roman superstition, a synod was called, and in the year 1562 the Articles of Religion were agreed upon, and they were determined and confirmed by Parliament, with the assent of the clergy in Convocation; and that by a just and orderly power. Nor is the absolute power of King and Parliament any way unjust in itself, but may (230) many ways be made such, by misinformation, or otherwise. And this gives the King and the Parliament their full power, and yet preserves this Church in her just right. Just and acknowledged by some that loved her not over well. For the Ld. Brook tells us, 'That what a Church will take for true doctrine, lies only in that Church[k].' Nay, the very

[f] "Id possumus quod jure possumus." [See Gloss. on Decret. Par. ii. Caus. xxii. Quæst. ii. cap. xv. 'Faciat.']

[g] By the advice of her Honourable Council. Prefat. to the Injunctions. [Wilkins' Conc. tom. iv. p. 184.]

[h] [See the Visitation Articles in the first year of Queen Elizabeth, in Wilkins' Conc. tom. iv. pp. 189—191.]

[i] [See the Queen's Injunctions, ibid. pp. 184—189.]

[k] Discourse, [opening the nature of

heathen saw clearly the justice of this: for M. Lucullus was able to say in Tully, 'that the priests were judges of religion, and the senate of law[l].'"

The second proof is, 'that I made two speeches for the King, to be spoken or sent to the Parliament that then was; and that they had some sour and ill passages in them[m].' These speeches were read to the Lords; "and had I now the copies, I would insert them here, and make the world judge of them[n]." First, I might shuffle here, and deny the making of them: for no proof is offered, but that they are in my hand; and that is no necessary proof: for I had then many papers by me written in my own hand, which were not my making, though I transcribed them, as not thinking it fit to trust them in other hands. But secondly, I did make them, and I followed the instructions which were given me as close as I could to the very phrases; and being commanded to the service, I hope it shall not now be made my crime that I was trusted by my sovereign. Thirdly, as I did never endeavour to embitter the King this way, so the smart passages which Mr. Nicolas says are there, I hope will not be thought such, when 'tis considered whose mouth was to utter them, and upon what occasion: yet if such they shall be thought, I am heartily sorry for them, and humbly desire they may be passed by: howsoever, they can make no proof that I am an enemy to Parliaments. "And this answer I gave Mr. Brown in the House of Commons, for he there omitted it not."

The third proof that I am an enemy to Parliaments is the testimony of one Mr. Bland. A forward witness he hath been against me in other particulars. Here he says, 'that Sir Sackvil Crowe showed him a paper, in which were fifteen or sixteen passages concerning Parliaments, with some sour aspersions to boot; and that this paper was subscribed, W. Laud.' First, my Lords, this man is but a single witness. Secondly, he says, he had this paper from Sir Sackvil Crowe;

that Episcopacie which is exercised in England. By Robert Lord Brooke,] sect. 1. c. ix. p. 51. [Lond. 1641.]

[l] "Religionis judices pontifices sunt, legis senatus."—Cic. lib. iv. Epist. ad Att. Ep. 2. [This is quoted from a speech of Lucullus in the senate on the question about restoring Cicero's house.]

[m] See the Diary, at March 26, 29, May 11, anno 1626.—H. W. [Works, vol. iii. pp. 185, 186, 190.]

[n] [See the two Speeches of the King in Rushworth's Collections, vol. i. pp. 221, 225, 357.]

and he is now in Turkey[o], and cannot be produced, that the truth may be known. Thirdly, as I never gave Sir Sackvil any such paper, so had he come by any such, 'tis more than probable somebody else might have seen it beside Mr. Bland, to make a second witness. Fourthly, this is a very bold oath; for he swears, 'the paper was subscribed with my own hand, W. Laud:' whereas, I being then Bishop of S. David's, never writ my name to anything other than Guil. Meneven. Let him bethink himself of this oath, *Ne quid gravius dicam.* Besides, it may be considered too, that this, with some particulars mentioned by Mr. Bland, was charged in the first Additional Article, and now brought in upon the fourteenth Original; partly to confound me, that I might not see how, or against what, to defend myself; and partly to make me secure, because they had quite passed over the first Additional[p]: but especially, because they had therein charged me, that these propositions of mine had caused that Parliament to be dissolved: and yet in the same Article, and within three lines, 'tis said expressly, that my propositions were delivered to my L. Duke of Buckingham after that Parliament was dissolved. "So this Article hangs as well together as Mr. Bland's testimony concerning it. Mr. Brown pressed this also hard against me; but I answered according to the sum of that which is above written." And as for the particular said to be in that paper, (were it mine, as it is not,) or were the words thought treasonable, (as well they cannot be,)[1] yet the (231)statute of Queen Mary makes it, that no words, nor writings, nor cipherings, nor deeds, shall be treason, but only such as are within the statute of 25 Edw. III., and no other[q]. And this statute I then read to the Lords, though I conceive there was no need of it. Die Vicesimo.

The fourth proof was out of my Diary, at June 15, 1626. The words these: '*Post multas agitationes privata malitia in Ducem Buckinghamiæ superavit et suffocavit omnia publica negotia; nihil actum est, sed Parliamentum solutum*[r].' And IV.

[1] ['thought treasonable . . . . cannot be,' on opposite page. Originally, 'treasonable, as they are not,']

[o] [Where he was ambassador. See p. 33.] Rymer, Fœd. VIII. iv. 68.]

[p] Artic. 1. Additional. [See above,

[q] 1 Mariæ, c. i. § 8.

[r] [Works, vol. iii. p. 192.]

this was applied first by Mr. Nicolas, and after by Mr. Brown, 'as if I had charged this private malice upon the Parliament.' But this is utterly mistaken: for I spake not this of the Parliament, but of some few particular men, some of the House, "men well enough known to the world;" and more, not of the House, but sticklers at large, who went between, and did very ill offices, and so wronged both the King and the Parliament; which is no new thing in England. That my words there cannot be meant of the Parliament, is two ways apparent. First, in that I say, *privata malitia*—private malice did it: but name not the Parliament, nor charge anything upon it. Secondly, because, had I spoken this of the Parliament, it could not have been called private, but public malice; nothing being more public in this kingdom than what is done in and by the Parliament.

V. The fifth proof was, 'that a proclamation for calling in of the Remonstrance was found in my study:' and Mr. Nicolas said, 'they conceived I had a hand in it.' It was as lawful for me to have and keep this proclamation, as for any other subject. And their conceit that I had a hand in it is no proof. Mr. Nicolas says, 'that my preferments followed very quick upon this;' and infers, 'that I was preferred for my ill services in this kind.' But all the proof that he brings for this his uncharitable inference is the comparing of the times; and I shall be content to be tried by that. For by his own acknowledgment, this proclamation came out June 16, 1622, I being then Bp. of S. David's; and he confesses I was not made Bishop of Bath and Wells till June 20, 1626, full four years after; nor a Privy-counsellor till April 29, 1627, which was five years after. Whereas rewards for such services are found to come much quicker. "And Mr. Brown, when he made his summary charge, slighted this, and passed it over."

VI. The sixth[1] proof of my enmity to Parliaments 'was a paper of reasons,' Mr. Nicolas said, 'against Parliaments.' But first, when this paper was showed and read to the Lords, it was found otherwise, and was but 'a paper of hopes and fears, which were conceived of a Parliament:' not reasons

[1] [The Archbishop, in mistake, makes this but the fifth proof, though he originally wrote 6, and continues the mistake through the remaining proofs.]

against them. Secondly, these fears and hopes were not of a Parliament then in being, but of one in deliberation, whether it should be or not at that time; which all men know is often disputed, and without offence. And any considering man may privately do it, for his own use and trial of his judgment[1]. Thirdly, in this deliberation, I was not the author of these fears and hopes, but an amanuensis to higher powers, in regard their hands were slower; though commanded also to set down my own opinion, which I did. Fourthly, I was then either a counsellor, or a sworn servant to the King, and required upon my oath to deliver truly, both my fears and my hopes; and I durst not perjure myself. And I hope the keeping of my oath, and doing my duty in that kind, shall not now prejudice my life. Fifthly, these fears and hopes, whatever they contain, did relate to the being or not being of that one Parliament only[2], as appears in the very paper itself; and the hopes prevailed, and that Parliament sate. "And this answer I gave to Mr. Brown, who made all the use of this paper that could be against me." Die Vicesimo.

Here Mr. Nicolas brings in Mr. Bland again, who says, 'that the four last heads in this paper were in that paper also which was showed him.' This single witness hath an excellent memory, that can remember four heads of a paper punctually sixteen years ago. I asked why he did not complain of me then, when his memory was fresher, and his witness, Sir Sackvill Crowe, nearer. 'Twas replied, 'he durst not for my (232) greatness.' Why, but he knows well enough, that Parliaments, when they have a just cause of proceeding, do neither fear nor spare any man's greatness. And is it probable, that they which spared not the Duke of Buckingham's greatness, would have feared mine, being then a poor Bishop of Bath and Wells? And a Parliament was held again in the very next year, 1627. So that he wanted not opportunity to complain. Nor can I believe any opinion of my supposed greatness stopped him. Let him look into himself.

Then Mr. Nicolas told the Lords with great vehemency, what venom there was in this paper, which he said was in

[1] ['And any . . . judgment.' in margin.]
[2] [A passage is here erased, so as to be illegible.]

every particular. A right spider I see now he is, venom out of anything. exime.

Here is a void space left, I suppose with design to have the paper (here mentioned) to be inserted. Which was not done.

VII. (233) The seventh[1] proof was out of my Diary at March, 1628. Where the words are, 'that the Parliament which was dissolved March 10, 1628, sought my ruin[s].' "This had been a better argument to prove Parliaments an enemy to me, than me to them." But nothing can be meant by this, but that my ruin was sought in that Parliament by some particular men, whose edge was too keen against me. And this appears in my Diary at June 14 preceding[t]; at which time I was put into a Remonstrance, which, had I been found any way guilty, must needs have ruined me. But by God's blessing, the very same day I did clearly acquit myself, in open Parliament, of all the aspersions cast upon me about Dr. Manwaring's Sermons. "This particular Mr. Brown charged upon me, and I answered as before. But Mr. Nicolas did not touch upon it this day."

VIII. The eighth proof, that I was an enemy to Parliaments, was taken from some marginal notes, which I had made upon a printed speech of Sir Benjamin Rudyard's, which he spake in the Parliament held *an.* 1627. Mr. Nicolas named four; but Mr. Brown in summing up my charge, insisted only upon two: the word 'reducing;' and the 'aim of gaining from the King.' Sir Benjamin Rudyard is my old acquaintance, and a very worthy member of that House, both now and then[u]. But be a man never so worthy, may he not use some phrase amiss? Or if he do, may not I or another observe, yea check at it, but by and by I must be an enemy to Parliaments? Is there any argument in this; I said a gentleman in the House of Commons used an ill phrase in a speech of his in that House, therefore I am an enemy to the Parliament in which he spake it? Say I am mistaken,

[1] [This is called 'The sixth proof' in the MS. See above, p. 356.]

[s] [Works, vol. iii. p. 210.]
[t] [Ibid. p. 208.]
[u] [Sir B. Rudyard was educated at St. John's College, Oxford. He was appointed Surveyor of the Court of Wards and Liveries in March, 16$\frac{1}{2}$. In the Parliament of 1640 he sat for Wilton. The speech referred to in the text seems to be the one entitled, 'A Speech whereby he acted the part of a Moderator,' &c. (Wood, Ath. Ox. iii. 455, 456.)]

and not he, and that the phrase is without exception; yet this is but my error in judgment, no proof of enmity, either to the Parliament, or him that spake it. That which I said was this. First, 'that the word "reducing," as there placed, was a hard phrase.' Let any man view that speech considerately, and tell me whether it be not so. Secondly, 'that I disliked the word "gaining," being between the King and his people in Parliament.' For (as I humbly conceive) there will always be work enough for both to join for the public good; and well it can never be, if they which should so join, do labour only to gain one from another. For if the King shall labour to gain upon the liberty or property of the subject, or the subjects in Parliament labour to gain from the just power and prerogative of the King; can
16 any prudent man think the public can thrive therewhile? Yea, but they say, 'that my marginal note upon this phrase was, that this gaining was the aim of the lower House.' If my note be so, yet that cannot be otherwise understood, than that according to this expression, this must be their aim. "And the reason why I found fault with the phrase was, because I saw this must follow out of it. So, under favour, I was not so bold with this gentleman, as he was with the House in using this speech." Die Vicesimo.

The next proof was, 'that I found fault with eight bills that were then in the House.' This is a very poor proof of my enmity to Parliaments, that I disliked some bills proposed in them: though there be no proof of this urged at all, save only, 'that I writ the time May 27, 1628, upon the paper where the bills were mentioned.' And I hope, to mention the time when any bills were proposed, is not to dislike the bills. But say I did dislike them, what then? It is lawful for any member of the House (and such was I then) to take exceptions which he thinks are just[1] against any bill, before it pass. And shall not that which is lawful for any man to do, be lawful for me? Beside, almost all bills are put in by private persons. The House is not interessed in them, till they are passed and voted by them: so that till then, any man may spend his judgment upon the bill, IX.

[1] ['which he thinks are just' in margin.]

e ceslmo. without any wrong at all to the Parliament. "Mr. Brown saw this well enough, and therefore vouchsafed not so much as to name it."

X. The tenth proof was, 'that I made an answer to the Remonstrance set out by Parliament, *an.* 1628.' This was pressed before [x]. (234) And here 'tis laid hold of on all hands; to make as full a cry as it can against me. "Mr. Nicolas presses it here aloud, (as he doth all things,) and Mr. Brown lays it close in summing up the charge." My answer the same to both. 1. First, they charge me, 'that I made that answer to the Remonstrance which came forth, *an.* 1628.' I did this by the King's command, and upon such instructions as were given me. And as I obeyed the command, so did I closely pursue my instructions. And I durst do no other, for I was then upon my oath as a sworn counsellor, and so employed in that service. And I hope no man will conceive, that I would without such a command have undertaken such a kind of service. 2. Yea, but they say, 'it doth not appear that I had any such command.' Yes, that appears as plainly as that I made it. For they bring no proof that I made it, but because the indorsement upon that paper [1] is in my hand, and calls it my answer. And the same indorsement says, I made it by his Majesty's command. So either the indorsement is no sufficient proof for the one, or if it be, 'tis sufficient for both; and must needs witness the one for me, with the same strength that it doth the other against me. For a kind of confession that indorsement is, and must therefore not be broken, but be taken with all its qualities. 3. Thirdly, they say, 'there are some sour and bitter passages in the answer.' 'Tis more than I perceived, if it be so. Nor was any sourness intended. And I hope no such passages found in it, the person considered, in whose name the answer was made. The expressions, indeed, might have been too big for a subject's mouth. 4. Fourthly, they say, 'I was displeased that this answer was not printed;' but all the proof they brought for it is, 'that it is written upon the paper, that there was an intention to print it, but

[1] ['upon that paper' in margin.]

[x] [See above, p. 272.]

that I know not what hindered it.' "But this argument can never conclude: John a Nokes knows not who hindered the printing of a Jewish Catechism in England; therefore he was displeased the Catechism was not printed. But I see every foot can help trample him that is down." Yea, but they instanced in three particulars, which they charged severally upon me. 1. The first particular was, 'that by this Remonstrance, they sought to fill our people's hearts more than our ears.' 2. A second was, 'that they swelled to that bigness, till they brake themselves.' But neither of these strike at any right or privilege of Parliaments; they only tax some abuses, which were conceived to be in the miscarriage of that one Parliament. And both these particulars were in my instructions. And though I have ever honoured Parliaments, and ever shall, yet I cannot think them infallible. General Councils have greater promises than they, yet they may err. "And when a Parliament, by what ill accident soever, comes to err, may not their King tell them of it? Or must every passage in his answer be sour, that pleases not? And for that Remonstrance, whither it tended let the world judge, the office is too dangerous for me." 3. The third particular 'was the excusing of Ireland, and the growth of Popery there, of which that Remonstrance, *an.* 1628, complained.' This was in the instructions too. And I had reason to think, the King and his Council understood the state of Ireland, for religion and other affairs, as well as other men. And I was the more easily led into the belief, that religion was much at one state in Ireland, in Queen Elizabeth's and King James his time, and now; because ever since I understood anything of those Irish affairs, I still heard the same complaints that were now made. For in all these times they had their Romish hierarchy; submitted to their government; payed them tithes; came not to the Protestant churches; and rebelled under Tyrone under pretence of religion. And I do not conceive they have gone beyond this now. "If they have, let them answer it who have occasioned it." But to prove this great new growth of Popery there, they produced, first, 'a proclamation from the State in Ireland, dated April 1, 1629[y];' then a

Die Vicesimo.

[y] [See Prynne's Hidden Works, pp. 100, 101; and Cant. Doom, p. 435.]

o cesimo. 'letter of the Bp. of Kilmore's to myself, dated April 1, 1630[z];' thirdly, 'a complaint made to the State there, *an.* 1633[a], of this growth, so that I could not but know it.' Most true, when these informations came I could not but know (235) it: but look upon their date, and you shall find that all of them came after this answer was made to the Remonstrance, and therefore could not possibly be foreseen by me, without the gift of prophecy. Then they produced 'a letter of the Earl of Strafford's, in which he communicated to me, Mar. 1633, that to mould the Lower House there, and to rule them the better, he had got them to be chosen of an equal number of Protestants and Papists[b].' "And here Mr. Maynard, who pressed this point of religion hard upon me, began to fall foul upon this policy of the Earl of Strafford, and himself yet brake off with this, 'But he is gone.'" Then he fell upon me as a man likely to approve those ways, because he desired the letter might be communicated to me. This letter was not written to me, as appears by the charge itself: for if it had, no man else needed to communicate it to me. And I would fain know, how I could help any of this? If that lord would write anything to me himself, or communicate anything to another that should acquaint me with it[1]; was it in my power to hinder either of these? And there were other passages in this letter, for which, I conceive, his Lp. desired the communication of that letter to me, much more than the particular urged, which could no way relate unto me. "And Mr. Brown in his sum said very little, if anything, to this business of Ireland."

XI. After this Mr. Nicolas, who would have nothing forgotten that might help to multiply clamour against me, fell upon five particulars, which he did but name, and left the Lords to their notes. Four of these five were handled before. As first, the words, 'If the Parliament prove peevish[c].' Secondly,

[1] ['that should . . . with it;' in margin.]

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[z] [See Prynne's Hidden Works, pp. 101, 102, and Cant. Doom, p. 436.]

[a] [Prynne's Hidden Works, pp. 110, 111; and Strafford Letters, vol. i. pp. 150, 151.]

[b] [See Prynne's Hidden Works, p. 118: and Strafford Letters, vol. i. p. 186.]

[c] [See above, p. 69.]

'that the King might use his own power[d].' Thirdly, 'the violation of the Petition of Right[e].' Fourthly, 'the Canons[f].' Fifthly, 'that I set spies about the election of Parliament-men in Gloucestershire;' and for this last, they produced a letter of one Allibon to Dr. Heylin[g]. To the four first, I referred the Lords to their notes of my answers, as they did. To this last, that Mr. Allibon is a mere stranger to me, I know not the man. And 'tis not likely I should employ a stranger in such a business. The letter was sent to Dr. Heylin, and if there were any discovery in it of jugglings there in those elections (as too often there are); and if Dr. Heylin sent me those letters, as desirous I should see what practices are abroad; what fault is there in him or me for this? Die Vicesimo.

XII. Then Mr. Nicolas would not omit that which he thought might disgrace and discontent me, though it could no way be drawn to be any accusation. 'Twas out of my Diary, at Oct. 27, 1640, this Parliament being then ready to begin. The passage there is, 'That going into my upper study to send away some manuscripts to Oxford, I found my picture which hung there privately, fallen down upon the face, and lying on the floor; I am almost every day threatened with my ruin, God grant this be no omen of it[h].' The accident is true; and having so many libels causelessly thrown out against me, and hearing so many ways as I did, that my ruin was plotted, I had reason to apprehend it. But I apprehended it without passion, and with looking up to God, that it might not be ominous to me. "What is this man angry at? Or why is this produced?"

XIII. 'But though I cannot tell why this was produced, yet the next was urged only to incense your Lps. against me: 'Tis in my Diary again, at Feb. 11, 1640[i]. Where Mr. Nicolas says confidently, I did abuse your Lps., and accuse you of injustice. My Lords, what I said in my Diary appears not; if it did appear whole and altogether, I doubt not but it alone would abundantly satisfy your Lps. But that passage

[1] [Here is a small slip of paper attached to the margin, with 'hitherto I am gon' written on it in Wharton's hand.]

[d] [See above, p. 71.]
[e] [See above, pp. 74 seq.]
[f] [See above, p. 153.]
[g] [This appears to have been Dr. John Allibond, Rector of Bradwell in Gloucestershire. (Wood, F. O. ii. 69.)]
[h] [Works, vol. iii. p. 237.]
[i] [Ibid. p. 240.]

is more than half burnt out, (as is [k] to be seen,) whether of
D. purpose by Mr. Pryn, or casually, I cannot tell; yet the passage as confidently made up, and read to your Lps., as if nothing were wanting. For the thing itself, the close of my words is this: 'So I see what justice I may expect, since here 's a resolution taken, not only before my answer, but before my charge is brought up against me.' Which words can traduce no man's justice. First, because they depend upon an 'if:' if the Parliament-man there mentioned told me truth, that such a resolution was taken. And secondly, because it can be no justice in any men, (236) be the sentence never so moderate in itself, to take up a resolution what sentence shall pass, before answer given, or charge put in: for else a man may be punished first, and tried after, which is contrary to all rules of justice [l]. And, therefore, if such a resolution were taken, (as I believe not,) I might well say that which followed after.

Then was produced 'a paper concerning the subsidies or aids which had been given in divers Parliaments, in which it is said, at the beginning of it, that Magna Charta had an obscure birth [1], and was fostered by an ill nurse.' "I believe that no man that knows Mr. Nicolas, thinks that he spake softly upon this." No, he spake loud enough: What laws would I spare, that spake thus of Magna Charta? First, here [2] is no proof offered that this paper is my collection, but only that it is in my hand. By which argument (as is said before) I may be made the author of anything; and so may any scholar that is able and willing to inform himself. Secondly, the main draught of that paper is not in my hand, though some notes upon it be. Thirdly, there are Littleton, and other lawyers quoted in that paper, authors which I never read. Nor is this now any disgrace to Magna Charta, that it had an obscure birth: for say the difficulties of the times brought it obscurely forth; that's no blemish to the credit and honour to which it hath for many ages

[1] ['birth,' in margin; originally 'beginning,']
[2] ['here' in margin.]

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[k] It was viewed.
[l] "Potentia sequi debet justitiam, non præire."—Aug. lib. xiii. de Trin. cap. xiii. [Op., tom. viii. col. 1424. A.]

attained. Not only their laws, but the greatest empires that have been in the world, some of them have had obscure beginnings. Witness the Roman empire. Fourthly, what if our stories agree upon it, that it had an obscure birth, and a worse nurse? What if some law books, (which Mr. Nicolas never read,) and those of good account, use almost the same words of Magna Charta, which are in that paper'[m]? Shall the same words be history and law in them, and treason in me? "And somewhat certainly there is in it, that Mr. Brown, when he gave his summary charge against me, first to the Lords, and after in the House of Commons, quite omitted this particular. Sure I believe he found nothing was in the paper but known truth, and so passed it over, else he would never have denied a vindication to Magna Charta." Die Vicesimo.

After all this Mr. Nicolas concludes with a dream, which he says was mine. 'The dream,' he says, 'was, that I should come to greater preferment in the Church, and power in the State, than any man of my birth and calling had done before me, but that in the end I should be hanged[n].' First, my Lords, if I had had any such dream, 'tis no proof of anything against me. Dreams are not in the power of him that hath them, but in the unruliness of the fancy, which in broken sleeps wanders which way it pleases, and shapes what it pleaseth. But this dream is brought in as the fall of my picture was[o], to make me a scorn to your Lps. and the people. And to try whether anything will yet at last break my patience. This dream is reported here[1] according to Mr. Pryn's edition of my Diary[p], somewhat different from that which Mr. Pryn printed in a former book of his[q]; but the beginning and the end agree. From Mr. Pryn, Culmer hath taken and printed it[r]. And Mr. Pryn confessed before the XV.

[1] ['which are in that paper?' these words originally written before 'of Magna Charta.']

[2] ['This dream ... here' on opposite page; originally written, 'Here this dream is set down']

[m] Here is a void space left in the margin, with design (I suppose) to insert therein some passages out of law books concerning the obscure birth of Magna Charta: which space was not filled up.—H. W.

[n] [See Prynne's Breviate, p. 35.]

[o] Num. xii. [p. 363.]

[p] [See Breviate, p. 35.]

[q] ['A Breviate of the Bishop's intolerable Usurpations. Lond. 1635.']

[r] ['Cathedral News; or Dean and Chapter News from Canterbury. Lond. 1644.']

Die Vicesimo. Lords, that one Mr. Badger, an attorney at law, a kinsman of mine, told it him. The truth, my Lords, is this. This Badger married a near kinswoman of mine; he was a notorious Separatist, and so nearer in affection to Mr. Pryn, than to me in alliance. This man came one day to me to Lambeth, and told me privately (which was more manners than usually the bold man had) that he heard I had such a dream when I was young, in Oxford. I protested to him there was no such thing, and that some malicious fellow or other had set him on work to come and abuse me to my face. He seemed satisfied; but going to visit Mr. Pryn, then in the Tower, he told him; and Mr. Pryn, without further proof, prints it in the next book he set out. When I saw it in print, and found that some in court took notice of it[1], I resolved to acquaint his Majesty how I was used; and meeting with the Earl of Pembroke, then Lord Chamberlain, and my great friend as he pretended, (the King being not then come forth of his chamber,) I told his Lp. how I was used; and when the King came forth, I told it him also. But the E. of Pembroke, then present in the House, and called up by (237) them for a witness, forgetting the circumstances, but remembering the thing, took it upon his honour, that I said nothing of Mr. Pryn's printing it, but that I told him absolutely I had this dream. Now God forgive his Lp. I was much troubled in myself to hear him take it upon his dishonour, (for so it was,) and yet unwilling (knowing his violence) to contest with him in that place, and in my condition; and observing what spleen he hath lately showed against me, I stood a little still to gather up myself. When Mr. Nicolas, before I could make any reply, fell on with great earnestness, and told the Lords, that the forepart of my dream was found true, to the great hurt both of Church and State; and that he hoped they would now make good the latter: that I might be hanged. To which I answered, That I had not forgotten our Saviour's prediction, S. John xvi., 'That in the world we should be sure to meet with affliction[a].' Nor His prayer: 'Father, forgive these

[1] ['and found . . . of it,' in margin.]

[a] St. John xvi. 33.

men, for they know not what they do [t],' S. Luke xxiii. No, nor is that out of my memory which S. Paul speaks, 1 Cor. iv. *de humano die* [u]. But for the public, with this I shall conclude. God of His infinite mercy bless the King and his people with love, and peace, and piety, and plenty, which is the worst I ever wished or endeavoured, whatsoever it shall please God shall become of me, to whose blessed will and pleasure, in all humility I submit myself. And here ended this last day of my trial. But before I went from the bar, I made three motions to the Lords. The one, that I might have a day to make a recapitulation of this long and various charge, or of the chief heads of it, that it might appear in a body together. The other, that after this, my counsel might have a day to speak to all points of law, incident to my cause [1]. The third, that they would be pleased to remember that I had pleaded the Act of Oblivion to the thirteenth Original Article. Mr. Nicolas said, they would acquaint their House with it. And the Lords promised to take all into consideration. And so I was dismissed *sine die*. Die Vicesimo.

"But here I may not go off from this dream so, since Mr. Pryn hath printed it at the end of my Diary. Where he shamelessly says, 'This dream was attested from my own mouth, at my trial in the Lords' House.' For I have set down all that passed exactly. Nor did I then give any attestation to it; only before I could gather up myself, to answer the Earl of Pembroke in a fitting manner, and not to hurt myself, Mr. Nicolas fell upon me with that unchristian bitterness, as diverted me from the Earl, to answer him. But once for all, and to satisfy any man that desires it, that is all true which I have here set down concerning this dream, and upon my Christianity and hope of future salvation, I never had this dream nor any like it, nor did I ever tell it this Lord, or any other, any other [2] way, than in relation to Badger and Pryn, as is before related. And surely if I had had such a dream, I should not have had so little discretion, as to tell it any

[1] [Here written, but erased, 'The Lords promised to take them both into consideration. Thirdly, that they']

[2] ['any other' in margin.]

[t] St. Luke xxiii. 34.

[u] 1 Cor. iv. 3.

Die Vicesimo. man, least of all, to pour it into[1] that sieve, the Earl of Pembroke. For that which follows, and wherein his charity and words are almost the same with those of Mr. Nicolas, I give him the same answer, and (forgiving him all his most unchristian and insatiable malice against me) leave myself in the hands of God, not in his."

Aug. 23, 1644. I received an order from the Lords[x], that if I had a mind to make a recapitulation (as I had formerly desired) of my long and various charge, I should provide myself for it against Monday next, (this order came upon Friday,) and that I should give in my answer the next morning what

Aug. 24. I meant to do. The next day, in obedience to this order, I gave in my answer; which was, humble thanks that I might have liberty to make it, referring the day to their honourable consideration; with this, that Monday next was a very short time for such a collection. Upon this answer, an order was presently made, that I should provide to make my recapitulation upon Monday, September (238) the second[y]. And about this time, (the certain day I know not,) it was resolved in the House of Commons, that according to my plea I should enjoy the benefit of the Act of Oblivion, and not be put to answer the thirteenth Original Article, concerning the Scottish business. And truly, I bless God for it, I did not desire the benefit of that Act, for any sense of guiltiness which I had in myself; but, in consideration of the times, and the malice of the now potent faction, which being implacable towards me, I could not think it wisdom, to lay by any such power as might help to secure me. Yet, in the former part of this History, when I had good reason to think

[1] ['pour it into' in margin.]

[x] [The following is the entry in the Lords' Journals:—

"Ordered, That Monday next is appointed to hear the Archbishop of Canterbury, to make a recapitulation of his whole defence, if he shall desire it; and hereof notice is to be given to the said Archbishop, who is to return his answer hereunto to-morrow morning."]

[y] ["The Speaker acquainted this House, That he had received a letter from the Archbishop of Canterbury, wherein he gives their Lordships humble thanks for their favour towards him, in giving him leave to make a recapitulation of his whole defence, which will be very long, and will require some further time to prepare himself for it than Monday next; therefore he humbly desires their Lordships will please to give him some longer time.

"Hereupon it is ordered, That he shall have time till Monday come seven-night."]

I should not be called to answer such general Articles, I have set down my answer to each of them, as much as generals can be answered. And thereby I hope my innocency will appear to this thirteenth Article also. Die Vicesimo.

Then came Monday, Sept. 2, and, according to the order of the Lords, I made the recapitulation of my whole cause, in matters of greatest moment, in this form following. But so soon as I came to the Bar, I saw every lord present with
2 a new thin book in folio, in a blue coat. I heard that morning that Mr. Pryn had printed my Diary, and published it to the world to disgrace me. Some notes of his own are made upon it. The first and the last are two desperate untruths, beside some others[s]. This was the book then in the Lords' hands, and I assure myself, that time picked for it, that the sight of it might damp me, and disenable me to speak. I confess I was a little troubled at it. But after I had gathered up myself, and looked up to God, I went on to the business of the day, and thus I spake[1]. September 2, 1644.

[1] ['But so soon . . . I spake.' on opposite page.]

[s] [This scandalous volume was published by an order of the House of Commons, dated Aug. 16, 1644, as appears in the title. The Archbishop's notes preparatory to a detailed reply are printed for the first time in vol. iii. pp. 257 seq.: he there gives an answer to these 'two desperate untruths.']

CAP. XLIII.

MY RECAPITULATION.

'My Lords, my hearing began March 12, 164$\frac{3}{4}$, and continued to the end of July. In this time I was heard before your Lps., with much honour and patience, twenty days; and sent back without hearing, by reason of your Lps'. greater employments, twelve days. The rest were taken up with providing the charge against me.

'And now, my Lords, being come near an end, I am, by your grace and favour, and the leave of these Gentlemen of the Honourable House of Commons, to represent to your Lps. and your memories, a brief sum of my answers to this long and various charge: in which I shall not only endeavour, but perform also all possible brevity. And as with much thankfulness I acknowledge myself bound to your Lps. for your patience; so I cannot doubt, but that I shall be as much obliged for your justice, in what I am innocent from crime; and for your clemency, in what the common frailty of mankind hath made me err. And I humbly desire your Lps. to look upon the whole business with honourable care of my calling; of my age; of my long imprisonment; of my sufferings in my estate; and of my patience in and through this whole affliction: the sequestration having been upon my estate above two years. In which, notwithstanding, I may not omit to give thanks for the relief which my petitions found, for my present necessities in this time of my hearing, at your honourable hands.

'1. First then, I humbly desire your Lps. to remember the generality, and by occasion of that, the incertainty of almost every Article charged upon me, which hath cast me into great straits all along in making my defence.

'2. Next, that your Lps. will be pleased to consider, what a short space, upon each day's hearing, hath been allowed me to make my answer, to the many charges in each several

day laid against me. Indeed, some days scarce time enough to peruse the evidence, much less to make, and then to review and weigh my answers. Especially considering (to my greatest grief) that such a charge should be brought up against me, from so great and honourable a body as the Commons of England. In regard of which, and all other sad occasions, I at first did, and do still in all humility desire, that in all particulars concerning law, my counsel may be heard before your Lps. proceed to sentence, and that a day may be assigned for my counsel accordingly.

'3. Thirdly, I heartily pray also, that it may be taken into your honourable consideration, how I have all manner of ways been sifted to the very bran, for that (whate'er it amounts to) which stands in charge against me.

'(1.) The key and use of my study at Lambeth, books and papers taken from me.

'(2.) A search upon me at the Tower, made by Mr. Pryn, and one and twenty bundles of papers, prepared for my defence, taken from me, and not three bundles restored to me again. This search made before any particular articles were brought up against me. My very pockets searched; and my Diary, nay, my very Prayer-book taken from me, and after used against me; and that in some cases, not to prove, but to make a charge. Yet I am thus far glad, even for this sad accident. For by my Diary your Lps. have seen the passages of my life; and by my Prayer-book the greatest secrets between God and my soul: so that you may be sure you have me at the very bottom: yet, blessed be God, no disloyalty is found in the one; no Popery in the other.

'(3.) That all books of Council-Table, Star-Chamber, High-Commission, Signet-Office, my own Registeries, and the Registeries of Oxford and Cambridge, have been (239) most exquisitely searched for matter against me, and kept from me and my use, and so affording me no help towards my defence.

'4. I humbly desire your Lps. to remember, in the fourth place, that the things wherein I took great pains, and all for the public good and honour of this kingdom and Church, without any the least eye to my own particular, nay, with my own great and large expenses, have been objected against

me as crimes. As namely, the 'repair of S. Paul's, and the settling of the Statutes of the University of Oxford.'

'(1.) For S. Paul's, not the repair itself, they say, (no, for very shame they dare not say that, though that be it which galls the faction,) but the demolishing of the houses which stood about it. Yea, but without taking down of these houses, it was not possible to come at the Church to repair it, which is a known truth. And they were taken down by commission under the Broad Seal. And the tenants had valuable consideration for their several interests, according to the number of their years remaining; and according to the judgment of commissioners named for that purpose, and named by his Majesty and the Lords, not by me. Nor did I ever so much as sit with them about this business. And if the commission itself were any way illegal (as they urge it is), that must reflect upon them, whose office was to draw and seal it; not on me, who understood not the legality or illegality of such commissions; nor did I desire that any one circumstance against law should be put into it, nor is any such thing so much as offered in proof against me. And because it was pressed, 'that these houses could not be pulled down but by order of Parliament, and not by the King's commission alone:' I did here first read in part, and afterwards, according to a salvo granted me, deliver into the Court three records, two in Ed. I. time, and one in Ed. III. time[a], in which are these words: *Authoritate nostra regali, prout opus fuerit, cessantibus quibuscunque appellationum et reclamationum diffugiis, juris, scripti, aut patriæ strepitu procedatis, nova ædificia, quæ &c. amoveri, et divelli penitus faciatis, &c.* And a little after, *Quousque per nos cum deliberatione et avisamento nostri consilii super hoc aliter fuerit ordinatum, &c.* Here 's no staying for a Parliament; here 's no recompense given; here 's barring of all appeal, nay all remedy of law, though written. And all this by the King's own authority, with the advice of his Council. And is a far more moderate way taken by me, yet under the same authority, and for the removal of far greater abuses, and for a more noble end, become treason?

[a] 1 Pars Pat. de An. 45. Ed. III. m. 34. [This document is still in the Tower of London.]

'(2.) As for 'the Statutes of Oxford,' the circumstances charged against me are many, and therefore I craved leave to refer myself to what I had already answered therein.

'5. Fifthly, many of the witnesses brought against me in this business are more than suspected Sectaries and Separatists from the Church, which by my place I was to punish, and that exasperated them against me; whereas by law 'no schismatic ought to be received against his bishop[b].' And many of these are witnesses in their own causes, and pre-examined before they come in court. At which pre-examination I was not present, nor any for me, to cross-interrogate. Nay, many causes which took up divers days of hearing in Star-Chamber, High-Commission, and at Council-Table, are now upon the sudden easily overthrown, by the depositions of the parties themselves. And upon what law this is grounded, I humbly submit to your Lps. And such as these, are the causes of Mr. Pryn, Mr. Burton, Mr. Wilson, Alderman Chambers, Mr. Vassal, Mr. Waker, Mr. Huntly, Mr. Foxlye, and many other. Where I humbly represent also, how impossible it is for any man, that sits as a judge, to give an account of all the several motives which directed his conscience in so divers causes, and so many years past, as these have been; and where so many witnesses have been examined, as have been here produced against me: my Lords, above a hundred and fifty witnesses, and some of them, three, four, six times over, and Mr. Pryn I know not how often. Whereas the civil law says expressly, that 'the judges should moderate things so, that no man should be oppressed by the multitude of witnesses, which is a kind of
15 proof too, that they which so (240) do, distrust the truth and goodness of their cause[c].' Besides, my Lords, in all matters which came before me, I have done nothing, to the uttermost of my understanding, but what might conduce to the peace and welfare of this kingdom, and the maintenance of the doctrine and discipline of this Church established by law;

[b] Cod. l[ib]. i. t[it]. v. l[eg]. 12. et 21. [coll. 94, 98. Col. Allob. 1624.] Confer. at Hamp. Court, p. 26.

[c] "Judices moderentur, &c. ne effrænata potestate ad vexandos homines superflua multitudo testium protrahatur."—Ff. L. 22. tit. v. [i.e. Digest. lib. xxii. tit. v. leg. 1. Corp. Jur. Civ. col. 708. Col. Allob. 1624.]

"Adde et hanc rationem, quod qui prædicta licentia abutuntur, veniunt in suspicionem, quod non satis confidunt veritati."—Gloss. ibid.

and under which God hath blessed this State with so great peace and plenty, as other neighbouring nations have looked upon with admiration. And what miseries the overthrow of it which God in mercy forbid may produce, He alone knows.

"5. Surely, my Lords, there have been many and different charges laid upon me about words. But many of them if spoken were only passionate and hasty; and such upon what occasion soever drawn from me, and I have had all manner of provocations put upon me, may among human errors be pardoned unto me, if so it please your Lps. But for such as may seem to be of a higher nature, as those witnessed by Sir Henr. Vane the elder, I gave my answer again now fully to the Lords, but shall not need to repeat it here.

"7. Then, my Lords, for my actions: not only my own, but other men's have been heavily charged against me in many particulars, and that criminally, and I hope your Lps. will think legally. As Secretary Windebank's, Bp. Montague's, my Chaplains', Dr. Heylin's, Dr. Cosen's, Dr. Pocklington's, Dr. Dove's, Mr. Shelford's, and divers others: and many of these charges look back into many years past. Whereas the Act made this present Parliament, takes no notice of, nor punishes any man for anything done and past at the Council-Table, Star-Chamber, or High-Commission: much less doth it make anything treason[4]. And out of this Act I am no way excepted. Besides, (as I have often pleaded, all Acts done in the Star-Chamber, at Council-Table, High-Commission, or Convocation, are all joint acts of that body, in and by which they were done; and cannot by any law be singly put upon me, it being a known rule of the law, *Refertur ad universos quod publice fit per majorem partem*[5]. "And Mr. Pryn[6] himself can stand upon this rule against the Independents, and tell us, that the major voice, or party, ought to overrule and bind the less. And he quotes Scripture[7] for it too. In which place, that which is

[4] The Act 16 Car. I. cap. x. regulated the Privy Council, and abolished the Court of Star Chamber. The High Commission was abolished by 16 Car. I. cap. xi.

[5] Vide Reg. Jur. Cæsar. ad fin. vi. Decretal. apud Corp. Jur. Can. t. iii. p. 961. Lugd. 1671.

[6] Pryn in his Independency Examined, p. 4. [Lond. 1644.]

[7] 1 Chron. xiii. 4, 5; Acts xv. 22.

done by the major part, is ascribed to all; not laid upon any one, as here upon me[1]." And in some of these courts, Star-Chamber especially, and Council-Table, I was accompanied with persons of great honour, knowledge, and experience, judges, and others; and 'tis to me strange, and will seem so to future ages, that one and the same act shall be treason in me, and not the least crime, nay, nor misdemeanour in any other. And yet no proof hath been offered that I solicited any man to concur with me, and almost all the votes given preceded mine, so that mine could lead no man.'

8. After this I answered to divers other particulars, as namely to the Canons, both as they concerned aid to the King, and as they looked upon matters of the Church and religion.

9. To the charge about prohibitions.

10. To the base charge about bribery. But pass them
[6 over here as being answered before; whither I may refer the reader now, though I could not the Lords then[2].

'11. My Lords, after this came in the long and various charge of my 'usurping Papal power,' and no less than a design to bring in all the corruptions of Popery, to the utter overthrow of the Protestant religion established in England. And this they went about to prove.

'(1.) 'By my windows in the chapel:' an argument as brittle as the glass in which the pictures are.

'(2.) 'By pictures in my gallery:' which were there before the house was mine, and so proved to your Lps.

'(3.) 'By reverence done in my chapel:' as if it were not due to God, especially in his Church; and done it was not to any other person or thing.

'(4.) 'By consecration of churches:' which was long before Popery came into the world. As was also the care of safe laying up of all hallowed and sacred things. For which, I desire your Lps. I may read a short passage out of Sir Walter Rawley's History[h]. The rather because written by a layman, and since the times of reformation.'

[1] ['And Mr. Pryn . . . upon me.' on opposite page.]
[2] ['But pass them . . . then.' inserted afterwards, part on opposite page.]

[h] Sir Wal. Rawley, Hist. of the World, lib. ii. cap. 5. § 1. [p. 296. Lond. 1614.]

But this Mr. Maynard excepted against, both as new matter, and because I had not the book present, though the paper thence transcribed was offered to be attested by oath to be a true copy. But though I could not be suffered to read it then, yet here it follows: "So sacred was the moveable temple of God, and with such reverence guarded and transported, as 22,000 persons were dedicated to the service and attendance thereof, of which 8,580 had the peculiar charge, according to their several offices and functions, the particulars whereof are in the third and fourth of Numbers[1]. . . . . The reverend care which Moses the prophet and chosen servant of God had, in all that belonged even to the outward and least parts of the tabernacle, ark, and sanctuary, witnessed well the inward and most humble zeal borne toward God Himself. The industry used in the framing thereof, and every and the least part thereof, the curious workmanship thereon bestowed, the exceeding charge and expense in the provisions, the dutiful ob(241)servance in laying up and preserving the holy vessels, the solemn removing thereof, the vigilant attendance thereon, and the provident defence of the same, which all ages have in some degree imitated, is now so forgotten and cast away in this superfine age, by those of the Family, by the Anabaptists, Brownists, and other sectaries; as all cost and care bestowed and had of the Church, wherein God is to be served and worshipped, is accounted a kind of Popery, and as proceeding from an idolatrous disposition. Insomuch as time would soon bring to pass, (if it were not resisted,) that God would be turned out of churches into barns, and from thence again into the fields and mountains, and under the hedges; and the office of the ministry (robbed of all dignity and respect) be as contemptible as those places; all order, discipline, and church-government, left to newness of opinion and men's fancies. Yea, and soon after as many kinds of religions would spring up, as there are parish churches, &c." Do ye not think somebody set Mr. Maynard 41
on to prohibit the reading out of this passage, as foreseeing whither it tended? For I had read one-third part of it, before I had the stop put upon me.

[1] Numb. iii. and iv.

'(5.) But they went on with their proof, 'By my censuring of good men;' that is, separatists and refractory persons.

'(6.) By 'my chaplains expunging some things out of books which made against the Papists.' It may be, if my chaplains (whom it concerns) had liberty to answer, they were such passages as could not be made good against the Papists; and then 'tis far better they should be out than in. For as S. Augustin observed in his, and we find it true in our time, 'the inconvenience is great, which comes to the Church and religion by bold affirmers[k].' Nay, he is at a *satis dici non potest*, the mischief is so great as cannot be expressed.

'(7.) Then 'by altering some things in a sermon of Dr. Sybthorp's.' But my answer formerly given will show I had cause.

'(8.) By 'my preferment of unworthy men:' so unworthy, as that they would be famous both for life and learning, were they in any other Protestant Church in Christendom. "And they are so popishly affected, as that having suffered much both in state and reputation, (since this persecution of the clergy began; for less it hath not been,) no one of them is altered in judgment, or fallen into any liking with the Church of Rome."

'(9.) By 'the overthrow of the feoffment:' but that was done by judgment in the Exchequer, to which I referred myself. And if the judgment there given be right, there's no fault in any man; if it were wrong, the fault was in the judges, not in me; I solicited none of them.

'(10.) By a passage in my book, where I say, 'the religion of the Papists and ours is one[l];' but that 's expressed at large, only because both are Christianity; and no man, I hope, will deny that Papists are Christians. As for their notorious failings in Christianity, I have in the same book said enough to them.

'(11.) By a testimony of Mr. Burton's and Mr. Lane's, that I should say, 'We and the Church of Rome did not

[k] "Quid molestiæ et tristitiæ ingerunt prudentibus fratribus temerarii assertores [*leg.* præsumptores], satis dici non potest."—[S.] Aug. [lib.] i. de Gen. ad Lit. c. xix. [Op., tom. iii. col. 220. B.]

[l] Cont. Fish. [sect. 39, num. 3,] p. 376, Edit. 1639; [p. 417, Oxf. 1849.]

differ in fundamentals, but in circumstantials.' "This I here followed at large; but, to avoid tedious repetition, refer my reader to the place where 'tis answered."

'(12.) By my making the Dutch Churches to be of another religion. But this is mistaken (as my answer will show the reader). "And if they do not make themselves of another religion, I shall never endeavour to make them."

'(13.) By a pack of such witnesses, as were never produced against any man of my place and calling; messengers and pursuivants, and such as have shifted their religion to and again; pillory-men and bawds: and these the men that must prove my correspondence with priests.

'12. In the midst of these, upon occasion of the ceremonies at the coronation, it was pressed against me, 'that I had altered the King's oath.'

'(14.) And last of all, 'that I had showed myself an enemy to Parliaments.'' [Upon both these I did very much enlarge myself: but here also, that I may not be a burden in repeating the same thing, I desire the reader to look upon them in their proper places, (242) where I doubt not but my answer will give him full satisfaction, that I did not the one, nor am the other.]

'But, my Lords, there are other strange arguments produced against me, to prove my compliance with Rome, which I most humbly desire your Lps. may not be forgotten.

'1. As first, my Lords, it hath been charged upon me, that I made the oath recited in the first of the late Canons, one clause whereof is this: 'that I will never give my consent to subject this Church to the usurpations and superstitions of the Church of Rome.' Whence the argument drawn against me must be this, and can be no other: That I did endeavour to bring in Popery, because I made and took a solemn oath, never to give my consent to subject this Church of England to the usurpations and superstitions of the Church of Rome. I beseech your Lps., mark the force of this argument: and they which follow are as pregnant against me.

'2. Secondly, my book against Fisher hath been charged against me; where the argument must lie thus: I have endeavoured to advance Popery, because I have written against it: and with what strength I have written, I leave

to posterity to judge, when the envy which now overloads me shall be buried with me. This I will say with St. Gre. Nazianzen, (whose success at Constantinople was not much unlike mine here, save that his life was not sought,) 'I never laboured for peace to the wrong and detriment of Christian verity [m],' nor, I hope, ever shall. "And let the Church of England look to it; for in great humility I crave to write this, (though then was no time to speak it,) that the Church of England must leave the way it's now going, and come back to that way of defence which I have followed in my book, or she shall never be able to justify her separation from the Church of Rome."

'3. Thirdly, all the late Canons have been charged against me; and the argument which is drawn from thence must lie thus: The third of these Canons for suppressing the growth of Popery, is the most full and strict canon that ever was made against it in the Church of England: therefore, I that made this canon to keep it out, am guilty of endeavouring to bring it in.

'4. Fourthly, I have by my industry, and God's great blessing upon my labours, stayed as many from going, and reduced to the Church of England as many that were gone to Rome, as I believe any minister in England can truly say he hath done: I named them before, and had scorn enough put upon me for it, as your Lps. could not but both see and hear. Where the argument lies thus: I converted many from Popery, and settled them in the religion established in England: therefore I laboured to bring in Popery; which out of all doubt can be no sober man's way.

'5. Fifthly, the plot discovered to Sir William Boswell and myself, by Andreas ab Habernfield, hath been charged against me: that plot, for altering of religion, and by what ways, your Lps. have heard already, and is to be seen at full in 'Rome's Master-piece [n].' Now, if this plot in the issue proved nothing but a confused information, and no proof of any particular, as indeed it did, what's become of Rome's Master-piece? But if it had any reality in it, as it appeared

[m] "Non studeamus paci in veræ doctrinæ detrimentum." [Οὔτε εἰρηνεύομεν κατὰ τοῦ λόγου τῆς ἀληθείας ὑφιέντές τι διὰ δόξαν ἐπιεικείας.]—Greg. Naz. Orat. 32. [Op., tom. i. p. 518. C.]

[n] Mr. Pryn's Rome's Master-piece.

to be a sad plot, not only to me, but to all men that saw the short propositions which were first sent, with an absolute undertaking to prove them; then it appears expressly, that I was in danger of my life for stiffly opposing the bringing in of Popery; and that there was no hope to alter religion in England, till I was taken out of the way. And though in conclusion the proofs failed, yet what was consulted, and it seems resolved, concerning me, is plain enough. And then the argument against me lies thus: There 's no hope to bring in Popery, till I am taken out of the way: therefore I did labour to bring it in. Do not these things, my Lords, hang handsomely together?

'6. Lastly, there have been above threescore letters and other papers brought out of my study into this honourable House; they are all about composing the differences between the Lutherans and the Calvinists in Germany. Why they should be brought hither, but in hope to charge them upon me, I know not; and then the argument will be this: I laboured to reconcile the Protestants in Germany, that they might unanimously set themselves against the Papists: therefore, I laboured to bring Popery into England.

'Now that your Lps. have heard the arguments, and what proof they make against me, I must be bold to put you in mind of that which[1] was said here at (243) the Bar, April 16, 1644. That 'they did not urge any of these particular actions as treason against me; but the result of them all together amounted to treason.' For answer to which, I must be bold to tell your Lps., that if no particular which is charged upon me be treason, the result from them cannot be treason, which will appear by these reasons following:—

'1. First, the result must be of the same nature and species with the particulars from which it rises. But 'tis confessed no one of the particulars are treason: therefore, neither is the result that rises from them. And this holds in nature, in morality, and in law.

'In nature, and that both for integral and essential parts; for neither can the body of a bear and the soul of a lion result into a fox; nor the legs of a bull, the body of a horse, and the head of an ass, result into a man.

[1] ['that which' in margin.]

'In morality, and that is seen both in virtues and vices: for neither can many actions of liberality, meekness, and sobriety rise up into a result of fortitude; neither can many actions of malice, drunkenness, and covetousness, result into treason.

'In law 'tis so too: for be there never so many particular crimes, yet there is no law in this kingdom, nor anywhere else that I know, that makes a result of different crimes to be treason, where none of the particulars are treason by law. So this imaginary result is a monster in nature, in morality, and in law; and if it be nourished, will devour all the safety of the subject of England, which now stands so well fenced by the known law of the land. And therefore I humbly desire your Lps., not for mine, but for the public's sake, to weigh this business well, before this gap be made so wide as there will hardly be power left again to shut it.

'2. My second reason is joined to the answer of an objection; for when this result was spoken of, it was added, that the particulars charged against me are of the same kind, and do all tend to the subversion of law and religion, and so become treason. But, first, suppose that all the particulars charged do tend to the subversion of law, yet that cannot make them to be all of one kind: for all crimes tend more or less to the overthrow of virtue; yet no man can say that all crimes are of the same kind. Secondly, be they of the same, or different kinds; yet neither all nor any of these charged against me do tend to the subversion of the law: for 'tis one thing to break, dislike, or speak against some particular laws, and quite another to labour the subversion of the whole body of the law and the frame of government. And that I have done this by conspiracy, or force, or any overt action, is not so much as offered in proof. And for the breach of any particular law, if I be guilty, I am to be punished by the sanction of the law which I have broken[1].

'3. Thirdly, whereas it hath been said 'that many actions of the same kind make a habit;' that's true. But what then? For first, the actions urged against me are not of the same kind, but exceeding different. Secondly, if the habit be treasonable, then all those particular actions which bred that

[1] ['if I . . . broken.' in margin.]

habit must be several treasons, as well as the result or habit itself; whereas it hath been granted all along, that my particular actions are not treasons. And thirdly, a habit in itself neither is nor can be treason: for all treason is either thought, word, or overt act: but no habit is either of these; therefore not treason. For a habit is that in the soul which inclines the powers of it, and makes a man apt and ready to think, speak, or do that to which he is habituated[o]. So an ill habit against sovereign power may make a man apt and forward to fall into treason; but treason it is not.

'4. Fourthly, nor can this result be treason at the common law, by which alone, I conceive, there is no treason at all at this day in England: for the main end of that excellent statute of 25 Edw. III. was for the safety of the subject against the manifold treasons which variously fell upon them by the common law, and bounded all treasons, and limited them to the things expressed to be treason in and by that statute. And in all times of difficulty since, recourse hath still been had to that statute. And to that statute I refer myself, with this: that this result must be something within this statute, or some other known statute, or else it cannot be treason. And no proof at all hath been so much as offered, that this result is treason by any law.

(244) 'My Lords, I do with all humble submission desire that when the reply is made to this matter of fact, a day may be assigned for my counsel to be heard in matter of law, in all and every particular which they shall find necessary for my just defence.

'And now, my Lords, I do in all humility lay myself low at God's mercy-seat, to do with me as He pleases; and, under God, I shall rely upon your Lps'. justice, honour, and clemency, of which I cannot doubt. And without being further tedious to your Lps. (who have with very honourable patience heard me through this long and tedious trial), I shall conclude with that which St. Augustine said to Romanianus, a man that had tried both fortunes as well as I: 'If the Providence of God reaches down to us' (as most certain it doth), *sic tecum agi oportet, sicut agitur;* 'it must so be done

[o] [S.] Tho. [Aquin. Sum. Theol.] i. 2æ. q. 50. A. 5.

with thee' (and so with me also) 'as it is done[p].' And under that Providence, which will, I doubt not, work to the best to my soul that loves God[q], I repose myself.'

Here ended my Recapitulation, and with it the work of that day[r]: and I was ordered to appear again the Saturday following, to hear Mr. Brown sum up the whole charge against me. But upon Tuesday, Septemb. 3, this was put off, to give Mr. Brown more time, to Wednesday, Septemb. 11. Septemb. 3, 1644.

On Wednesday, Septemb. 4, as I was washing my face, my nose bled, and something plentifully, which it had not done, to my remembrance, in forty years before, save only once, and that was just the same day and hour, when my most honourable friend the Ld. Duke of Buckingham was killed at Portsmouth, myself being then at Westminster. Septemb. 4. And upon Friday, as I was washing after dinner, my nose bled again. Septemb. 6. I thank God I make no superstitious observation of this or anything else; yet I have ever used to mark what and how anything of note falls to me. And here I after came to know, that upon both these days in which I bled, there was great agitation in the House of Commons to have me sentenced by ordinance; but both times put off, in regard very few of that House had heard either my charge or defence.

[p] ["Nam si divina providentia pertenditur usque ad nos, quod minime dubitandum est, mihi crede, sic tecum agi oportet, ut agitur."]—S. Aug. lib. i. cont. Academ. cap. 1. [Op., tom. i. col. 423. B.]

[q] S. Mat. x. 29; Rom. viii. 28.

[r] [It appears by the Lords' Journals, that—

"On the conclusion of the Archbishop's Recapitulation, the House of Commons desired that they might be heard to sum up their evidence, when their Lordships shall please to appoint. And the Archbishop desired, 'That his Counsel might be heard in point of law, according to the order of this House.'

"Ordered, That Saturday morning next is appointed to hear the Committee of the House of Commons sum up their evidence against the Archbishop of Canterbury."]

CAP. XLIV.

ptemb. On Wednesday, September 11, Mr. Brown made in the Lords' House a sum or brief of the charge which was brought against me, and touched by the way at some things in my Recapitulation. But in regard I might not answer him, I took no perfect notes, but stood still, and possessed my soul in patience; yet wondering at the bold, free, frequent, and most false swearing that had been against me. When Mr. Brown had ended, I humbly desired again, that my Counsel might be heard in point of law. And they were hereupon ordered to deliver in writing under their hands, what points of law ptemb. they would insist upon, and that by Saturday, September 14th.

This day my Counsel, according as they were ordered, delivered into the Lords' House these two points following, by
I. way of question. First, whether in all, or any the articles charged against me, there be contained any treason by the
II. established laws of this kingdom? Secondly, whether the charge of the said impeachment and articles, did contain such certainty and particularity, as is required by law, in a case where treason is charged[b]? This day I petitioned the

[a] [The following is the entry in the Lords' Journals:—

"Die Mercurii, 11 die Septembris.

"This day Mr. Samuel Browne, a member of the House of Commons, made a summary of the whole evidence formerly given against the Archbishop of Canterbury.

"Which being done, the Archbishop replied not; but desired his Counsel might be heard in matter of law.

"Mr. Maynard replied, 'That he desired to know to what point his Counsel will speak to in point of law, that so a case may be agreed upon, whereby a reply may be made in behalf of the House of Commons.'

"The Archbishop answered, 'That his Counsel are best able to speak to this.'

"Hereupon they withdrew; and this House ordered, That the Counsel of the Archbishop of Canterbury shall deliver in writing, by them subscribed, into the clerk of the Parliaments, by Saturday next, before the House sits, what points of law they will desire to be heard in, concerning the said Archbishop of Canterbury; and then the same to be communicated to those members of the House of Commons that managed the evidence."]

[b] [In the Lords' Journals, Sept. 14. is the following petition from the Archbishop's Counsel:—

"'Die Sabbati, 14 die Septembris.

"'In obedience to your Lordships' order of the 11th of this present, we, by your Lordships' command, assigned of counsel with the Archbishop of Canterbury, upon several Articles of impeachment sent up to your Lordships by the honourable House of Commons, humbly represent to your Lordships, that, as concerning the same, we humbly conceive (with submission to your Lordships' great judgment) that these questions are proper to be insisted on by us, as matters in law, on the behalf of the said Archbishop:

"'1. Whether

Lords, that my Counsel might have access to, and take copies of, all such records as they thought necessary for my defence; which was granted, and ordered accordingly [c].

My Counsel's queries having been formerly sent down to the House of Commons, they were there referred to a committee of lawyers to consider of; and on Septemb. 27, Friday, they were earnestly called upon to hasten their report. And on Friday, Octob. 4, Mr. Nicolas made a great noise about me in the House, and would have had me presently censured in the House; and no less would serve his turn, but that I must be hanged, and was at *Sus. per coll.*; till upon the reasons before given, that if they went on this way, they must condemn me unheard, this violent clamour ceased for that time. And a message was sent up to the Lords for my Counsel to be heard, as touching the first question concerning treason; but not concerning any exception that they shall take against the Articles in point of certainty. This message the Lords took into present consideration, and ordered it accordingly [d]. And appointed the Friday following, being Octob. 11, for my Counsel to be heard, and myself to be present.

Septemb. 27.

Octob. 4.

Octob. 11.

"'1. Whether in all or any the Articles charged, there be contained any treason by the established laws of the kingdom?

"'2. Whether the charge of the said impeachment and articles do contain such certainty and particularity, as is required by law in a case where treason is charged?'

"Ordered, that this be sent to the House of Commons by message.]

[c] [The following is the entry in the Lords' Journals:—

"A petition of the Archbishop of Canterbury was read, showing, 'that his Counsel being by order required to represent to your Lordships what points in law they should think fit to insist upon for his defence, in which they conceive several copies of records in the Tower, with the clerk of the Parliament, in the Crown Office, and elsewhere, may be of necessary use for them, the view and copies whereof, without their Lordships' order, will not be permitted, and copied for them; therefore desired their Lordships' order to the officers in the several places aforesaid, and other his Majesty's courts of justice, for his Counsel being permitted the view, and to have copies of such records as they shall conceive useful for him.'

"Hereupon this House ordered, That he shall have liberty for his Counsel to view and search such records as may make for his necessary defence, as is desired."]

[d] ["Die Veneris, 4° die Octobris.

"A message was brought from the House of Commons,

"3. That whereas their Lordships sent down to the House of Commons a paper, subscribed by the Counsel of the Archbishop, concerning being heard in point of law, in behalf of the Archbishop of Canterbury; and they do agree that the Archbishop's Counsel may have leave to argue this point; videlicet, 'Whether in all or any of the Articles charged against the Archbishop, there be contained any treason?'

"But they desire that the Counsel of the Archbishop may not be heard concerning any exception that they shall take against the Articles in point of certainty, because an exception to a

This day, according to this order of the Lords, I and my Counsel attended. My Counsel were Mr. Hern, and Mr. Hales of Lincoln's-Inn, and Mr. (245) Gerrard of Gray's-Inn. When we were called into the House, and the Lords settled in their places, Mr. John Hern (who was the man that spake what all had resolved on) delivered his argument very freely and stoutly, proving that nothing which I have either said or done according to this charge, is treason, by any known established law of this kingdom [c]. The argument follows in these words, according to the copy which Mr. Hern himself delivered me [1].

(246) [2] 'My Lords, 42

A short introduction. 'The work of this day, we humbly conceive, is in many respects of very great and high concernment.

'1. In that it concerns matter of life, a thing of the highest consequence.

'2. The life of an Archbishop, a person who had attained the highest dignity conferred in the Church of England.

'3. Those happy laws, many years since enacted and confirmed by several Parliaments, to be the boundaries what was treason; a crime before so various, as it had no bounds; and so odious, that the punishment of it was an infamous death, a total confiscation, with a brand of infamy to all posterity.

'4. In that the charge against him moves from no less

[1] [This is written in another hand, and not that of the Archbishop, down to the end of page 257 of MS., though now and then there is a correction in his own hand.]

[2] [On the top of this page there is written 'Delivered me' in Laud's own hand, as if a catch-word.]

charge of high treason in point of certainty (being but matter of form), especially after evidence given, is not to be allowed in Parliament.

"Agreed to.

"4. To desire a short day for hearing the Archbishop's Counsel as aforesaid.

"Ordered, That the Counsel of the Archbishop shall be heard on Friday next in the morning, 'Whether in all or any of the Articles charged against the Archbishop of Canterbury there be any treason?'"]

[c] The Lord Chancellor Finch [*] told me, that this argument was not Mr. Hern's, (though he pronounced it,) for he could not argue; but it was Mr. Hales', afterward Lord Chief Justice. And he said further, that being then a young lawyer, he stood behind Mr. Hern, when he spoke at the bar of the Lords' House, and took notes of it; and that it will be published among his Reports.—W. S. A. C.

[*] [Heneage Finch, Lord Keeper, Nov. 9, 1673, created Baron Finch, Jan. 10, 167$\frac{4}{5}$, Lord High Chancellor, Dec. 19, 1675, and May 12, 1681, Earl of Nottingham.]

a body than the whole Commons of England, which presents him now a prisoner at this bar before your Lps., in the high and supreme court of judicature in Parliament.

'And if anything shall fall from us, subject to any doubtful construction, we shall humbly crave your Lps'. pardon, and leave to make our explication: for as there is upon us a duty to be wary, not to offer anything which may minister just offence; so neither may we be unfaithful to omit what may justly tend to our client's defence.

The charge, upon what it consists.

'The charge against him, we find to be made up of two several parcels of Articles, exhibited by the honourable House of Commons.

The titles of the several parcels of the Articles upon which the charge against the Archbishop was made up.

'1. The first, in maintenance of their accusation, whereby he stands charged with high treason.

'2. The latter, intituled 'Further Articles of Impeachment of high treason, and divers high crimes and misdemeanours, for all which matters and things they have impeached him of high treason and other high crimes and misdemeanours, tending to the subversion of religion, laws, and liberties, and to the utter ruin of this Church and commonwealth.'

The straits upon his Counsel, by reason of the mixed charge, without distinguishing what was intended to be a treason, what a misdemeanour.

'Concerning this charge, and the Archbishop's defence, he hitherto made before your Lps., we, by your Lps'. command assigned his Counsel, neither have (247), nor could (by reason of the mixed charge, without distinguishing what was thereby intended to be a charge of treason, and what of misdemeanour only) be further useful to him, than to advise the form of his plea and answer, which we received from him, as to all the matters of fact, to be a Not guilty.

'We have not in all or any the facts charged or evidenced against him, in any sort intermeddled. But the same (how proved and how appliable to the charges, without mention of any of them) shall wholly leave to your Lps'. notes and memories.

'What defence he hath offered hitherto, hath been wholly his own; he without us in that; and we without consulting him in the work of this day.

'Wherein, having received your Lps'. commands, we did present in writing the points in law we then humbly conceived fit for us to insist upon.

The two points presented by Counsel in writing, to be insisted upon for his defence in point of law.

'I. Whether in all, or any the Articles charged against him, there was contained any treason by the established laws of this kingdom?

'II. Whether the charge of the said Impeachment and Articles, did contain such certainty and particularity, as is required by law in a case where treason is charged?

The first only admitted.

'But being enjoined by your honourable order, to speak only to the former: we shall, as in duty becomes, conform thereunto.

The method proposed.

'For our method herein shall follow the course holden in the reply, made upon the whole Articles, whereby we conceived the charges contained in them were reduced to these three generals:

The three general charges.

'1. A traitorous endeavour to subvert the fundamental laws of the realm; and instead thereof, to introduce an arbitrary and tyrannical government against law: contained in the first Original and first Additional Articles.

'2. Secondly, a traitorous endeavour to subvert God's true religion by law established; and instead thereof, to set up Popish superstition and idolatry: this contained in the seventh Original and seventh Additional Articles.

'3. Thirdly, that he laboured to subvert the rights of Parliament, and the ancient course of parliamentary proceedings, and by false and malicious slanders to incense (248) his Majesty against Parliaments. And this contained in the fourteenth Original and tenth Additional Articles.

'All other the Articles, we humbly conceive to be but instances, conducing and applied to some of those generals.

'Concerning those three general heads of the charge, we shall crave leave to propose two questions to be debated.

Two general questions to be insisted upon.

'1. Whether there be at this day any other treason, than what is declared by the statute of 25 Ed. III. cap. 2, or enacted by some subsequent particular

statute; which we humbly conceive, and shall endeavour to satisfy your Lps., there is not any.

2. Whether any the matters in any of the Articles charged, contain any of the treasons declared by that law, or enacted by any subsequent law; which we likewise conceive they do not. And for the clearing of both these shall humbly insist; that,

'1. An endeavour to subvert the laws,
An endeavour to subvert religion,
A labouring to subvert the rights of Parliaments,
} are not treasons, either within the statute of 25 Ed. III. or by any other particular statute.

'2. That not any of the particulars, instanced in any other the Articles, is a treason within the statute 25 Ed. III. or any other statute.

'And to make good our tenet upon our first question, shall humbly offer, In maintenance of our first tenet upon the first question.

'That before this statute of 25 Ed. III. treasons at the common law were so general and uncertain, that almost any crime, by inferences and constructions, might be, and was often extended to be a treason; insomuch, as we find in 22°. of the Book of Assize, killing the King's messenger was treason. And in the Parliament Roll, 21 Ed. III. *numero* 15, accroaching the royal power (wherein every excess was subject to a construction of treason) was treason; for which divers having suffered, the Commons in Parliament, finding how mischievous and destructive it was to the subject, petitioned it might be bounded and declared. And this, not to give any liberty, but to give bounds to it; one while it being construed an accroachment of royal power, as in the case of the Earl of Lancaster, *temp.* Ed. II., for being over popular with the people; and in the same King's reign to Spencer, for being over gracious with the King.

(249) 'The sense of these and other mischiefs by the uncertainty of treason, brought on this law of 25 Ed. III.; and the benefit of it to the subject, says Sir Ed. Coke upon his Collections of the Pleas of the Crown, begot that Parliament the name of *Parliamentum benedictum*, and that, except Magna Charta, no other Act of Parliament had more The uncertainty of what was, or was not treason, produced the law of 25 Ed. III. The Parliament of 25 Ed. III. by reason of that law called *Parliamentum benedic-*

sum; and, that no law had deservedly more honour than Magna Charta.

honour given it by the King, Lords, and Commons[f].

The Act of 25 Ed. III. the rule in Parliament to judge treasons by.

'And this law hath been in all times the rule to judge treasons by, even in Parliament; and there-

Parliament Roll, 1 H. IV. num. 144, the prayer of the Commons.

fore in the Parliament Roll, 1 H. IV. num. 144, the trial and judgment in cases of impeachment of treason is prayed by the Commons, might be according to the ancient laws; and in the Parliament Roll, 5 H. IV.

Parliament Roll, 5 H. IV. num. 12; case, Earl of Northumberland.

num. 12, in the case of the then Earl of Northumberland, this statute of 25 Ed. III. was the guide and rule by which the Lords judged, in a case endeavoured to have been extended to be a treason, the same to be no treason.

Treasons particularly enacted after 25 Ed. III. still reduced to that law.

☞ 'And it is, as we conceive, very observable, that if at any time the necessity or excess of the times produced any particular laws in Parliament, for making of treasons not contained in that law of 25 Ed. III., yet they returned and fixed in that law.

Treasons made in the divided time of R. II. reduced *per* stat. 1 H. IV. cap. 10.

'Witness the statute of 1 H. IV. cap. 10, whereby all those facts which were made treasons mean between in the divided time of R. II. were reduced to this of Ed. III.

Made in the time of H. VIII. reduced 1 Ed. VI. cap. 12.

'In the time of H. VIII., wherein several offences were enacted to be treasons, not contained in the statute of 25 Ed. III., the same were all swept away by the statute of 1 Ed. VI. cap. 12.

Made in the time of Ed. VI. reduced by the Act of 1 Mariæ, cap. 1°.

'And again, wherein the time of Ed. VI. several treasons were enacted, they were all repealed, and by Act made 1 Mariæ 1°, none other offence left to be treason than what was contained and declared by the statute of 25 Ed. III.

From 1 H. IV. to this day, no judgment in Parliament given of any treason not contained in that law.

☞ 'And from 1 H. IV. to Queen Mary, and from thence downward, we find not any judgment hath been given in Parliament, for any treason not declared and contained in that law, but by bill.

This law in all times the standard to judge treasons by.

'Thus in succession of all times, this statute of 25 Ed. III., in the wisdom of former Parliaments, hath stood and been the constant fixed rule for all judgments in cases of treason.

[f] [Instit. par. iii. p. 2. Lond. 1648.]

'We shall now observe what offences are in and by that law declared to be treasons; whereby your Lps. (250) will examine, whether you find any of them in the charge of these Articles; for which purpose we shall desire this statute of 25 Ed. III. be read.

'The treasons declared by that Act, are,—

Treasons declared *per* stat. 25 Ed. III. cap. 2.

'1. Compassing and imagining the death of the King, Queen, or Prince, and declaring the same by some overt act.

'2. Murdering the Chancellor, Treasurer, &c.

'3. Violating the Queen, the King's eldest daughter, or the Prince's wife.

'4. Levying war against the King.

'5. Or adhering to the King's enemies, within the realm or without, and declaring the same by some overt act.

'6. Counterfeiting the seals and coin.

'7. Bringing in counterfeit coin.

Stat. 25 Ed. III. may admit no construction by equity or inference to make other treason than thereby declared.

'Next, we shall lay for a ground, that this Act ought not to be construed by equity or inference.

Reasons why not.

'1. For that it is a declarative law; and no declaration ought to be upon a declaration.

'2. It was a law provided to secure the subject, for his life, liberty, and estate; and to admit constructions and inferences upon it, were to destroy the security provided for by it.

'3. It hath been the constant opinion in all times, both in Parliament and upon judicial debates, that this Act must be literally construed, and not by inference or illation: nor would it be admitted in a particular declared by this law to be treason; which a man would have thought might have been consistent with it.

'Viz. counterfeiting the coin of the kingdom, is by this law declared treason.

Instances where it would not.

'Washing, filing, and clipping the coin, is an abuse, an abasing, and not making it current; yet in 3 H. V., when the question was in Parliament, whether

that offence was treason within the statute of 25 Ed. III., it is declared by a special Act then made, 3 H. V. cap. 6, that forasmuch as before that time, great doubt and ambiguity had been, whether those offences ought to be adjudged treason or not, inasmuch as mention is not thereof made in the declaration of (251) the articles of treason by that statute of 25 Ed. III., the same was by that particular Act made treason, which before was none: and counterfeiting of foreign coin, made current here, an equal mischief with counterfeiting of the coin of this realm. Yet, because the words of the statute are 'his money,' this not treason, until the Act of 1° Mariæ, cap. 6 made it so. And Sir Ed. Coke, in his book before mentioned, saith, a compassing to levy war is not a treason within that law, unless it proceed into act[g]; but only to compass the death of the King. Yet if a constructive treason should be admitted, it might happily without any great straining be inferred, that compassing to levy war is in some sort a compassing of the King's death; and of this kind many more instances may be given.

Stat. 3 H V. cap. 6.

M. cap. 6.

Coke, Collections. Pleas of the Crown.

☞ 'So that the result of all this is, that whatsoever is not declared to be a treason within the letter of this law, may not be adjudged a treason by inference, construction, or otherwise.

2. Question. 'Having done with this first, we now shall come to our second question.

'Whether any the matters in all or any the Articles charged, contain any the treasons declared by that law, or enacted by any subsequent law; wherein, although the charges may appear to be great and enormous crimes, yet we shall endeavour, and hope to satisfy your Lps., the same nor any of them are treasons by any established law of the kingdom: for clearing whereof we shall pursue the order first proposed.

'First, that an endeavour to subvert fundamental laws is not treason by any law in this kingdom established; and particular Act to make it treason there is none: so as we must then return to apply those former general observations

[g] [Instit. par. iii. p. 9.]

of that Act of 25 Ed. III. to this particular; and shall add for reasons,—

'1. That it is not comprised within any the words of that law, nor may by any construction or inference be brought within it, for the reasons formerly alleged.

(252) '2. Because an endeavour to subvert laws is of so great a latitude and uncertainty, that every action not warranted by law may be thereby extended to be a treason.

'In the Sixth Report, in Mildmay's case, fol. 42, where a conveyance was made in tail, with a proviso, if he did go about or attempt to discontinue the entail, the same should be void: it was resolved the proviso was void; and the principal reason was, that these words, 'attempt or go about,' are words uncertain and void in law. And the words of the book are very observable; viz. 'God defend that inheritances and estates of men should depend upon such incertainties; for that *misera est servitus ubi jus est vagum, et quod non definitur in jure quid fit conatus;* and therefore the rule of the law doth decide this point. *Non efficit conatus, nisi sequitur effectus;* and the law doth reject conations and goings about, as things uncertain which cannot be put in issue.' These are the words of the book. And if so considerable in estates, your Lps., we conceive, will hold it far more considerable in a case of life, which is of highest consequence. Mildmay's Case; 6 Report, Coke, fol. 42. [Lond. 1621.]

'And if it should be said this law of 25 Ed. III. takes notice of compassing and imagining; we answer, it is in a particular declared by that law to be treason in compassing the death of the King. But this of endeavouring to subvert laws not declared by that or any other law to be a treason. Objection. Answer.

'And if it should be granted, that this law might in any case admit any other fact to be treason by inference or construction, other than is therein particularly declared; which we conceive it cannot:

'Yet it is not imaginable that a law, introduced purposely to limit and ascertain crimes of so high consequence, should by construction or inference be subject to a construction of admitting so uncertain and indefinite a thing, as an

endeavour to subvert the law is, it being not comprised within the letter of that law.

(253) '3. That the subversion of the law is an impossible thing; therefore, an endeavour to do an act which cannot be effected, cannot be treason.

'4. That in all times the endeavouring to subvert the laws hath been conceived no determinate crime, but rather an aggravation only of a crime, than otherwise: and therefore hath been usually joined as an aggravation or result of crimes below treason.

Parliament Roll, 28 H. VI. num. 28 to 47, in the case of the Duke of Suffolk.

'As appears in the Parliament Roll, 28 H. VI. num. 28 to num. 47, in the case of the Duke of Suffolk, where the Commons, having in Parliament preferred articles of treason against him, did not make that any part of their charge. Yet in the same Parliament, and within few days after—the first being in February, the latter in March—exhibiting other articles against him, they therein charged all the misprisions, offences and deeds therein mentioned, to have been the cause of the subversion of laws and justice, and the execution thereof; and nigh likely to tend to the destruction of the realm. So as it appears, it was then conceived an offence of another nature, and not a treason.

Articles, Cardinal Woolsey, in Parliament, 21 H. VIII.

'And it appears as well by the articles exhibited in Parliament, 21 H. VIII., against Cardinal Wolsey, as by indictment in the King's Bench against Ligham, 23 H. VIII. Rot. 25, that the Cardinal did endeavour to subvert *antiquissimas leges hujus regni, universumque hoc regnum Angliæ legibus imperialibus subjugare*; which, although it be a charge of subverting the ancient laws of the kingdom, and to introduce new and arbitrary laws, yet neither upon the articles or indictment was the same imputed to be treason, but ended in a charge of a premunire.

Indictment, K. Bench, Ligham, 23 H. VIII.

Empson, 1 H. VIII.

'And if it shall be said, that Empson, 1 H. VIII., had judgment, and died for it, upon an indictment in London; we answer,—

'1. This was not the substance of the indictment, but only an aggravation.

(254) '2. And if charged, it is with an actual subverting, not

with an endeavour to subvert, the laws; and is joined with divers other offences.

'3. Which is a full answer: the indictment upon which he was tried was Paschæ, 2 H. VIII., at Northampton, and was for levying war against the King, a treason declared by the law of 25 Ed. III., upon which he was convicted and suffered; and no proceeding upon the other indictment ever had.

9 'And as to the second general charge, of endeavouring to subvert religion: Answer to the second general charge, of endeavouring to subvert religion.

'This no more than that former of subverting the laws is any treason, within any law established in this kingdom.

'And herein, as to the charge of the endeavour, we shall rely upon what hath been already said upon the former.

'With this further:

'That until that happy Reformation, begun in the time of King Edward VI., there was another frame of religion established by law; which was conceived until then to have been the true religion; and any endeavour to change or alter it, prosecuted with great extremities. Yet was not any attempt to alter it, conceived to be a treason; but several especial Acts of Parliaments were made for particular punishments, against persons who should attempt the alteration thereof. Witness the statute of 5 R. II. cap. 5, and 2 H. V. cap. 7. Stat. 5 R. II. cap. 5; 2 H. V. cap. 7.

5 'In which latter, although mention is made of endeavouring to destroy and 'subvert the Christian faith;' yet was not the offence made or declared to be treason.

'And at this day, heresy, of what kind soever, is not punishable, but according to the old course of the law.

'And we may add the statute of 1 Edw. VI. cap. 12, that of 1 Mariæ 12, which makes it but felony to attempt an alteration of religion by force: the worst kind of attempt certainly. Stat. 1 Ed. VI. cap. 12; 1 Mar. cap. 12.

'To the third and last general charge, labouring to subvert the rights of Parliaments. To the labouring to do it, we shall add nothing to what hath been said to the charge of endeavour, in the two former; only thus much we shall observe: Answer to the third general charge, labouring to subvert and incense the King against Parliaments.

Articles against the Duke of Ireland, and others, 11 R. II., 14 Article.

'That in the Parliament of 11 R. II., amongst the many articles (255) preferred against the Duke of Ireland, and others, the fourteenth article contains a charge much of this nature; viz. 'That when the Lords and others in divers Parliaments, had moved to have a good government in the realm, they had so far incensed the King, that he caused divers to depart from his Parliament; so that they durst not, for fear of death, advise for the good of the kingdom.' Yet when the Lords came to single out the articles, what was, or was not treason, that, although a charge transcending this, was none of the articles by them declared to be treason.

'My Lords,

Answer to the particular Articles insisted upon principally in the charge.

'Having done with these generals, it remains only that we apply ourselves to those other Articles which we conceive were insisted upon, as instances conducing, and applied to some of the generals we have handled.

'Wherein if the generals be not treason, the particular instances cannot be; and on the other side, if the instances fall short of treasons, the application to those generals cannot make them treasons.

'We shall only single out two particulars, and in those be very brief, in that most which hath been said to the former generals, is appliable to them, inasmuch as none of them is declared to be a treason, by the statute of 25 Ed. III., or by 4 any other law enacted.

The first particular.

'1. The first of these in the 10th Original Article, viz. That he hath traitorously endeavoured to reconcile the Church of England with the Church of Rome. Which if it be any treason, must be a treason within the statute of 5 Jac. cap. 4, whereby is provided, That if any man shall put in practice to reconcile any of his Majesty's subjects to the Pope, or See of Rome, the same is enacted to be treason; which we conceive clearly is none of this charge.

Differences between the matters charged, and the fact made treason by the statute 3 Jac. cap. 4.

'1. First, for that here only is charged an endeavour; there a putting in practice.

'2. Here a reconciling of the Church of England with the Church of Rome; there a reconciling some of his Majesty's subjects to the See of Rome.

And a reconciling with, may as well be a reducing of that of Rome to England, as England to Rome.

(256) 'The second, in the 7th Additional Article, for wittingly and willingly receiving and harbouring divers Popish priests and Jesuits, namely, Sancta Clara, and Monsieur St. Gyles. The second particular.

'Which offence, as to the harbouring priests and Jesuits born within his Majesty's dominions, by the statute of 27 Eliz. cap. 2, is made felony, not treason; and extends only to priests English born, which these are not charged to be.

'My Lords,

'We have now gone through those Articles, wherein, we conceive, the treasons charged were intended; and have endeavoured to make it appear, that none of the matters in any of the Articles charged, are treason within the letter of any law.

'And if not so; then they cannot, by inference or parity of reason, be heightened to a treason.

'It is true, the crimes, as they are laid in the charge, are great and many.

'Yet if the laws of this realm, which have distinguished crimes, and accordingly given them several names, and inflicted punishments, raise none of these to a treason;

'That we humbly conceive will be worthy of your Lps'. consideration in this case; and that their number cannot make them exceed their nature. And if they be but crimes and misdemeanours apart, below treason or felony, they cannot make a treason by putting them together. Number of crimes below treason or felony, cannot make a treason.

'Otherwise, the statute of 25 Ed. III., which we have so much insisted upon, had been fruitless and vain; if after all that exactness, any number of misdemeanours (in themselves no treason) should by complication produce a treason, and yet no mention made of it in that law; much less any determination thereby, that any number, or what number, and of what nature of crimes, below treason, should make a treason.

31 'It is true, my Lords,

'That by the statute of 25 Ed. III. there is a clause in these words:

Power to declare treasons, ver Stat. 25 Ed. III. cap. 2. Wherein we conceive there is no power to declare an offence below a felony to be a treason.

'"It is accorded, that if any other case, supposed treason, which is not therein specified, doth happen before any justices, the justices shall tarry without any going (257) to judgment of the treason, until the cause be showed and declared before the King and his Parliament, whether it ought to be judged treason, or felony.'

'And that hereby might seem to be inferred, that there should be some other treasons than are mentioned in that law, which may be declared in Parliament.

'But, my Lords, we shall observe,

☞ '1. If such declaration look only forward, then the law making it treason precedes the offence, and is no more than an enacting law.

☞ 'If it look backward to the offence past, then it appears by the very clause itself, of 25 Edw. III., it should be at the least a felony at the common law; and that a crime, or crimes, below a felony, were never intended to be by this law to be declared, or to be heightened to a treason. And we find not any crime declared treason with a retrospect, ☞ unless it were a felony before. And in the late case of Earl Strafford. the Earl of Strafford, attainted by bill, there is a treason within this law charged, and declared by the bill of his attainder to have been proved[h].

'2. Secondly, we are not now in case of a declaration of a treason; but before your Lps. only upon an impeachment; and in such case, we humbly conceive, the law already established, as it hath been, so it will be the rule.

'Thus, my Lords, we have gone through that part which belongs to us, directed us by your Lps.; viz.

'Whether in all or any the Articles exhibited before your

[h] Whatsoever hath been hitherto placed in the margin of this argument, was transcribed from Mr. Hern's own copy. But this which followeth, I transcribed from a loose note, wrote by an unknown hand, and affixed to this place.—H. W.

Concerning the proviso in 25 Ed. III. (last mentioned) it is observable, that Mr. Lane,* in the Lord Strafford's trial, saith, that that clause of provision 25 Ed. III. is quite taken away by 6 Hen. VIII. cap. 4. and 20. So that no treason is now to be reckoned, but what is literally contained in 25 Ed. III. See for this, Whitlock's Memoirs, p. 43. [Lond. 1682.] See also Burnet's Hist. Reform. part ii. pag. 253, about the repeal of treasons, [vol. ii. par. i. pp. 506, 507. Oxford, 1829.]

* [Richard Lane, created in 1643 Lord Chief Baron of the Exchequer, and Aug. 30, 1645, Lord Keeper. (Wood, F. O. ii. 63.)]

Lps., there is contained any treason, by any established law of this kingdom; without meddling at all with the facts, or proof made of them; which, together with our weak endeavours, we humbly submit to your Lps'. great judgment. And for any authorities cited by us, are ready (if so commanded) to produce them.'

(258) Here this day ended; and I had a few days' rest. But on Tuesday, October 22, being a day made solemn for humiliation, my chamber at the Tower was searched again for letters and papers: but nothing found. Oct. 22, 1644.

After this, there went up and down, all about London and the suburbs, a petition for the bringing of delinquents to justice; and some preachers exhorted the people to be zealous in it, telling them it was for the glory of God, and the good of the Church. By this means, they got many hands of men which little thought what they went about.
2 In this petition, none were named but myself and the Bishop of Ely; so their drift was known to none but their own party; and was undoubtedly set on foot to do me mischief. Whose design this was, God knows; but I have cause to suspect Mr. Pryn's hand in it. This barbarous way of the people's clamouring upon great courts of justice, as if they knew not how to govern themselves and the causes brought before them, is a most unchristian course, and not to be endured in any well-governed State. This petition, with a multitude of hands to it, was delivered to the House of Commons, on Monday, Octob. 28. Concerning which, Oct. 28.
I shall observe this, That neither the Lord Mayor nor the Sheriffs made any stop of this illegal and bloodthirsty course, though it were publicly known, and the people exhorted to set hands to it in the parish churches. What this, and such-like courses as these, may bring upon this city, God only knows, whom I humbly pray to show it mercy.

CAP. XLV.

Novemb.1. THIS day being All-hallan-day, a warrant came to the Lieutenant, from the House of Commons, to bring me to their bar, to hear the evidence formerly summed up, and given against me in the Lords' House. I knew no law nor custom for this; for though our votes, by a late Act of Parliament, be taken away, yet our Baronies are not. And so long as we remain Barons, we belong to the Lords' House, and not to the Commons. Yet how to help myself I knew not; for when the warrant came to me, the Lords' House was risen; and I was commanded to the House of Commons the next morning, before the Lords came to sit. So I could not petition them for any privilege. And had I done it, I doubt it would have been interpreted for an endeavour to make a breach between the Houses. And should I have under any pretence refused to go, Mr. Lieutenant would have carried me.

Novemb.2. Therefore, on Saturday, Novemb. 2, I went, according to the warrant, to the House of Commons. So soon as ever I was come to the bar, Mr. Speaker told me, there was an ordinance drawn up, to attaint me of high treason; but, that they would not pass it, till they had heard a summary of the charge which was laid against me; and that I was sent for to hear it also. I humbly besought them, that my counsel and my solicitor (who were always present with me in the Lords' House) might stand now by me. But it would not be granted. Then Mr. Brown, by order from the Speaker, delivered the collection and sum of the charge against me; much at one with that which he formerly made in the Lords' House. Now I took notes of it as exactly as I could. He had no sooner done, but Mr. Speaker pressed me to make

answer presently. I humbly besought the House I might not be put to that, the charge being long and various; but
3 that I might have time; and, that my counsel might be heard for matter of law. I was commanded to withdraw. And when I was called in again, I received an order peremptory, to answer the Monday seven-night after, 'to such things as the reporter was mistaken in.' But not a word of hearing my counsel. I returned to my prison.

This Wednesday, Novemb. 6, I got my Prayer-book, by the help of Mr. Hern and Mr. Brown, out of Mr. Pryn's hands, where it had been ever since the last of May, 1643. Novemb. 6.

Monday, Novemb. 11, I came to the House of Commons again; and according to their peremptory order, made my answer to the summary charge which Mr. Brown made against me. But here I shall advertise the reader that, to avoid troublesome and (259) tedious repetition, I shall not set down my answer at large, as there I spake it; because there is nothing in it but what is in my former answers, the beginning and the end only excepted. But it was necessary for me then to make a whole and an entire answer, because the House of Commons had then heard no part of my defence. But, I presume, the charitable reader will look upon my answers in their proper place, rather than be troubled a second time with the same thing. Yet because Mr. Brown went a different way in his summary, from the charge largely given, I shall represent a skeleton of my answer, with all the limbs of it entire, that it may be seen, as it were, together; though I report nothing which hath been already said. And thus I began:— Novemb. 11.

'Mr. Speaker, I was here Novemb. 2. It was the first time that ever I came within these doors: and here then you gave me the most uncomfortable breakfast that ever I came to; namely, that this honourable House had drawn up an ordinance against me of high treason; but that before they would proceed further, I should hear the sum of the charge which was against me; which was the cause I was sent for then. And to give my answer to that which was then said, or rather mistaken in saying and inferring, is the cause of my coming now. My defence in the House of Commons.

'1. And first, Mr. Speaker, I give thanks to this honour-

able House, that they have given me leave to speak for myself. 2. Secondly, I do humbly desire, if any word or thing should be mistaken, or unadvisedly expressed by me, (which shall be sore against my will,) I may have liberty to recall and expound myself. 3. Thirdly, that you will favourably consider into what straits I am cast, that, after a long and tedious hearing, I must now come to answer to a sum, or an epitome of the same charge; which how dangerous it may be for me, all men that know epitomes cannot but understand.

'Mr. Speaker, I am come hither to make a Brief of my answer to a Sum of my charge; wherein I may receive as much detriment by my own brief, for want of larger expression, as by the other of my charge, by omission or mistake. Yet since your command is upon me, I shall, without further preface, (which I conceive would be as tedious to you, as to me troublesome,) address myself, and with as much brevity as the many heads of the charge will bear. And that my answer may be the clearer, both to this honourable House, and to the gentleman who reported the charge, I shall follow everything in the same order he proceeded in: so far forth, at least, as an old slow hand could take them, a heavy heart observe them, and an old decayed memory retain them.

'This worthy gentleman hath pressed all things as hardly against me, as the cause can any way bear: that was his duty to this honourable House, and it troubles me not. But his carriage and expressions were civil towards me, in this my great affliction: and for this I render him humble and hearty thanks; having from other hands pledged my Saviour in gall and vinegar, and drunk up the cup of the scornings of the people to the very bottom.

'This gentleman began with four generals, which he said I complained of, and I say I had cause so to do. 1. The first complaint was, 'that I had lain three years in prison before I was heard.' And this, he said, was my own fault, because I delayed the putting in of my full answer when I was called. But herein he is quite mistaken. For I could not answer till I was called, and I was not called in three years: nor then could I plead to more articles than were put to me. "Nor

did this delay three months of the three years. Yet this gentleman, in his reply, said still it was my fault, 'because I did not petition to be brought to hearing.' But this, under favour, is a weaker reason than the former. For, the condition of the times considered, neither my counsel, nor my other friends, nor myself could think that a fit or a discreet way. Besides, it is well known, that had I petitioned, I could not have been heard, my business being in a manner cast aside, till Mr. Pryn's malice, actuated by a search into my own papers, undertook it." 2. The gentleman said, my second complaint was, 'that my papers were seized:' but he said that was done by authority. And I never denied that. But that which he added is much mistaken, namely, that I ever seized any man's papers without authority, or by my own power; but what was done in that kind was by the joint authority of that court, in which I then sat. Nor was my complaint general, that my papers were seized; but that the papers prepared for my defence were (260) taken from me, and not restored when I needed them and petitioned for them. 3. He said my third complaint was, 'that many of the witnesses produced against me were separatists.' I did indeed complain of this, and I had abundant cause so to do. For there was scarce an active separatist in England, but some way or other his influence was into this business against me. And whereas the gentleman said, 'the witnesses were some aldermen, and some gentlemen, and men of quality;' that 's nothing; for both gentlemen, and aldermen, and men of all conditions, (the more's the pity,) as the times now go, are separatists[1] from the doctrine and discipline of the Church of England established by law. "And I would to God some of my judges were not." 4. My fourth complaint, he said, was, 'of the excessive number of the witnesses.' And he added, that if I would not have so many witnesses, I should not have given occasion for it by committing so many crimes. But first, whether I have committed so many crimes as are urged against me, is yet in question. And secondly, 'tis one thing to give cause, and another thing to give occasion; for an occasion may be taken, when 'tis pretended as given. And so I hope it will be found in my case. But the thing here

[1] ['separatists' originally 'schismatics']

mistaken is, that these are all said to be 'legal witnesses,' whereas almost all of them have, at some time or other, been before me as their judge, either at Star-Chamber, or Council-Table, or High-Commission, or as referee. And then I humbly desire it may be considered: First, how impossible it is for a judge to please all men. Secondly, how improbable it is, that witnesses displeased should be indifferent in their testimony. And thirdly, how hard it is to convince a man by such interessed witnesses, now (upon the matter) becoming judges of him that judged them. And (as S. Augustine speaks), *Quomodo potest*, 'How is it possible for one that is contentious and evil to speak well of his judge[a]?'

'From these generals, the gentleman passed to the particulars of the charge; and he caused the 7, 8, 9, 10, 11 Original Articles, and the 7 Additional, to be read. That done, he divided the charge into two main heads: the one, an endeavour in me to subvert the laws of the kingdom; and the other, a like endeavour to alter the true Protestant religion into Popery. The evidence given in the Lords' House began at the laws, and ended in religion; but this gentleman in his sum, both there and here, began with religion, and ended with the laws.

I. 'The charge concerning 'religion[1],' he said, would bear two parts, the ceremonial and the substantial part of religion.

'(1.) And he professed he would begin at the ceremonial, where having first charged in general the statute of the 3 and 4 of Ed. VI. c. 10, for the destruction of images, he gave these particular instances following, to show my intention to alter religion.

'1. The setting up of coloured glass, with pictures, in the windows of my chapel; the communion-table altar-wise; candlesticks thereon, with reverence and bowings.

'2. A Bible in my study, with the five wounds of Christ wrought upon the cover in needlework.

'3. Three pictures in my gallery: the *Ecce Homo*, the four Latin Fathers, and the history (S. John x.) of the true

[1] ['religion,' originally 'ceremonies,']

[a] "Quomodo potest malus litigator laudare judices?"—Aug. Epist. clxvi. [cv. Ben. Op., tom. ii. col. 447. B.]

Shepherd entering in by the door, and the thief by the window.

'4. The crucifix hung up in the chapel at White-Hall on Good Friday[1]: and what happened there upon Dr. Brown's coming in and doing reverence.

'5. The copes and bowings used in cathedral churches since my time.

'6. The ceremonies used at his Majesty's coronation.

'7. The abuses in the Universities, especially Oxford.

'1. The titles given me from thence.

'2. Divers particulars in the new Statutes.

'3. Images countenanced there, by me, in divers chapels.

'4. The picture of the Virgin Mary, at S. Mary's Church-door.

'5. Nothing to be done without me in Congregations.

'8. The ceremonies in some parish-churches; and some punished for neglect of them. Instances in some of Beckington, some of Lewis, and in Mr. Chancy of Ware.

'9. That I preferred no men, but such as were active for the ceremonies.

'10. Passages expunged out of books, if contrary to these courses; as (261) that in Dr. Featly's Sermons concerning images.

'11. Bibles with pictures in them.

'12. The severe punishment of Mr. Workman, of Glouceste, only for a sermon against images.

'13. Words spoken to take Bp. Jewell's works and the Book of Martyrs out of some parish-churches.

'14. The consecration of Cree-Church, and S. Giles in the Fields. In all which, as I humbly conceive, here 's nothing (especially my answers being taken to them) that can co-operate to any alteration of religion. Nor is there any treason, were all that is urged true.

'(2.) From hence, Mr. Speaker, this worthy gentleman passed over from the ceremonies, to those things which he said concerned the substance of religion. In which, the particulars which he charged were these:—

[1] ['on Good Friday:' in margin.]

'1. A tenderness if not a denial, of the Pope's being Antichrist.

'2. Dislike of the name, "the Mind of Rome."

'3. The alteration of some passages in the public prayer appointed for November 5 and the coronation-day.

'4. The 'Antichristian yoke' left out of the Brief for the Palatinate, with an expression, as if we and those Reformed Churches were not of the same religion.

'5. That men were punished for praying for the Queen and the Prince.

'6. That the Church of Rome is a true Church.

'7. That the communion-table or altar is the chief place: for there's *Hic est corpus meum*.

'8. Restraint of all books against Popery. Instances in a book of Bishop Carleton's. One tendered by Sir Edward Hungerford. Dr. Clarke's Sermons. Dr. Jones. None called in but Sales. That I myself did expunge some passages out of a sermon of Dr. Sibthorp's. Popish books seized, re-delivered to the owners. That for these I must answer for my chaplains; since John, Archbp. of York, was fined for his commissary's act against the Bp. of Durham; who having a patent, could not so easily be put out of his place, as I might change my chaplains.

'9. Three ministers in my diocese suspended for not reading the Book of Recreations on the Lord's Day.

'10. The feoffment for buying in of impropriations overthrown, to the hindrance of preaching, and scandal to religion.

'11. Encroachment upon the Ld. Chamberlain, for naming of chaplains to the King; and upon the Master of the Wards for giving of benefices.

'12. Familiarity with priests and Jesuits, S. Clara and Monsieur S. Giles.

'13. The testimonies of Mr. Challoner, Sir Henr. Mildmay, and his brother, Mr. Anthony, what opinion was held of me beyond the seas for my cunning introducing of Popery.

'14. That an offer was made unto me to be a Cardinal. 43
And thus far this gentleman proceeded in points of religion.

'But because there hath passed divers things done at and by the Council-Table, the courts of Star-Chamber, and High-Commission, and in Convocation; and because many more

things so done are to come in the next head concerning the law; I humbly crave leave, for avoiding tedious repetition, to say it once for all, That no act done by any of these, either by full consent or major part, which involves the rest, ought to be charged singly against me; and that for these reasons following:—

'1. First, because this is not *peccare cum multis;* for they meet not there in a relation as *multi,* but as *unum aggregatum*—as bodies made one by law. And therefore the acts done by them are acts of those bodies, not of any one man sitting in them. And in this sense a Parliament is one body consisting of many; and the acts done by it are acts of Parliament; for which, should any of them prove amiss, no one man is answerable, though many times one man brings in the bill.

'2. Secondly, because I could sway no man's vote in any of those places, (though this hath been often urged against me, as an 'over-potent member;') for my vote was either last, or last save one, in all these places. So I could not lead. Nor is there any so much as show of proof offered, that I moved or prepared any man to a sentence one way or other, in any one of these courts or places.

'3. Thirdly, because in those courts of judicature, there was the assistance of able judges, lawyers, and divines, for direction. And how can that be a (262) treason in me, which is not made so much as a misdemeanour in any of the rest?

'4. Fourthly, because the Act of this present Parliament, which hath taken away the Star-Chamber and the High-Commission, and bounded the Council-Table, looks forward only, and punishes no man for any act past; much less doth it make any man's actions done in them to be treason: and I am no way excluded from the benefit of that Act.

'5. Lastly, because in all my proceedings, both in the High-Commission and elsewhere, I kept strictly to the doctrine and discipline of the Church of England established by law, against both Papist and other sectaries. And under this government, and doctrine of this Church, it hath pleased God, now for above fourscore years together, to bless this kingdom and people above other nations. And I pray God,

if we forsake the one, it prove not a cause to deprive us of the other.

IL 'And now, Mr. Speaker, I shall follow this worthy gentleman as he went on to the second general head, 'the subversion of the laws.' And here, when he had caused the 1, 2, 3, 5 and 14 Original Articles to be read, as also the 2, 9 and 10 Additionals; he then said that I had laboured this subversion by 'my counsels' and by my 'actions.'

'(1.) By 'my counsels' first; of which he gave three instances:—

'1. The vote of the Council-Table to assist the King in extraordinary ways, if the Parliament should prove peevish, and refuse. And this out of my Diary, at Decemb. 5, 1639.

'2. The passage in the epistle before my speech in Star- 43
Chamber: 'Not one way of government, since the humours of the people were in continual change.'

'3. A speech at Council-Table, That now the King might use his own power, &c. Witnessed only by Sir Henr. Vane the elder.

'(2.) From my 'counsels,' proceed was made to 'my actions;' where the particulars were,—

'1. That I attempted to set proclamations above the law.

'2. That I was for all illegal projects at the Council-Table: instanced in inclosures, in the ship-money, and Sir John Corbett's commitment.

'3. The taking down of the houses about St. Paul's, with the large commission for the repair of the west end.

'4. The stopping of two brewers in their trade, being in Westminster, and pretended to annoy the court.

'5. Things done by me as referee: instanced in a case between Rich and Pool, and another of one Symmes.

'6. Obstructing 'the course of law,' by sending to judges: instanced in the parishioners of Beckington; in the case of Ferdinando Adams; in Sir Henr. Martin's case, about an attorney-at-law; Judge Richardson's words, in Mr. Huntley's case; and Baron Trevor's words, in Grafton's case.

'7. The punishing men that came in a legal way; instanced in the case of Newcomin and Burrowes: that I said in the High-Commission, I hoped to see the clergy exempt

again the next hundred years; the two churchwardens of Chesham, with words concerning Sir Tho. Dacres.

'8. The case of prohibitions; and Mr. Wheeler's note out of a sermon of mine concerning them.

'9. That no Pope ever claimed so much jurisdiction; not from the King.

'10. The Canons; and I the main man, the overgrown member again.

'11. The Statutes of Oxford enforced a second time: Nevill's case, of Merton College, instanced in.

'12. Books printed that are against the law: instanced in Cowell's Interpreter, and Dr. Manwaring's Sermons.

'13. The alteration of the King's oath at his coronation.

'14. My enmity to Parliaments. To all which, as I then gave sufficient answers, so I hope the courteous reader hath found them at large in their several places. And for this last concerning Parliaments, I humbly and heartily desire, that this may be taken notice of and remembered,—that there is not, in any one of these paper-proofs produced against me, any one thing that offers to take away any rights of Parliaments, rightly understood; much less any that offers to take away Parliaments themselves: which is a continued mistake all along this particular charge. And if any rash or unweighed words have fallen from me, yet these cannot be extended to the disannulling of Parliaments or their privileges (263) in any kind, which I defended in print long since, before I could foresee any of this danger threat-
9 ening me. It is in my book against Fisher[b]. It was read in the Lords' House, and I humbly desire I may read it here. And it was read.

'After this, it was inferred by this worthy gentleman, 'what a great offender I was, and greater than Cardinal Woolsey.' Mr. Speaker, I have seen the Articles against the Cardinal, and sure somebody is mistaken; for some of them are far greater than anything that is proved against me. In which, I thank Christ for it, my conscience is at peace, whereas the Cardinal confessed himself guilty of them

[b] Cont. Fisher, [sec. 26, num. 14,] p. 211, [edit. 1639; pp. 234, 235, Oxf. 1849.]

all; and yet no thought of treason committed; and a *præmunire* was all that was laid upon him.

'Then he gave a touch, that in Edward III.'s time[c] there was a complaint, that too much of the civil government was in the hands of the bishops; and 'that in the 45th year of his reign they were put out, and laymen put in.' But first, this concerns not me. Secondly, the late Act of this Parliament hath taken sufficient order with that calling, for meddling in civil affairs. Thirdly, the time is memorable when this was done: it was in the forty-and-fifth year of Edward III. That's enough.

'Mr. Speaker, I shall draw towards an end. Yet not forgetting what ordinance you told me was drawn up against me: if that which I have now said may any way satisfy this honourable House to make stay of it, or to mitigate it, I shall bless God and you for it. And I humbly desire you to take into consideration my calling, my age, my former life, my fall, my imprisonment, long and strict; that these considerations may move with you. In my prosperity (I bless God for it) I was never puffed up into vanity, whatever the world may think of me. And in these last full four years' durance, I thank the same God, *gravem fortunam constanter tuli*[d], I have with decent constancy borne the weight of a pressing fortune; and I hope God will strengthen me unto and in the end of it.

'Mr. Speaker, I am very aged[e], considering the turmoils of my life; and I daily find in myself more decays than I make show of; and the period of my life, in the course of nature, cannot be far off. It cannot but be a great grief unto me, to stand at these years thus charged before ye: yet give me leave to say thus much without offence: Whatsoever errors or faults I may have committed by the way, in any my proceedings, through human infirmity,—as who is he that hath not offended, and broken some statute-laws too, by ignorance, or misapprehension, or forgetfulness, at some sudden time of action?—yet if God bless me with so much memory, I will die with these words in my mouth, 'That

[c] An. 45 Ed. III.
[d] Tacit. L. 6. Annal. [cap. 22.]
[e] Annum jam agens septuagesimum secundum.

I never intended, much less endeavoured, the subversion of the laws of the kingdom; nor the bringing in of Popish superstition upon the true Protestant religion established by law in this kingdom.'

'And now, Mr. Speaker, having done with the fact, I have but this one thing to put to the consideration of this honourable House. My charge hath been repeated, I confess, by a very worthy and a very able gentleman. But ability is not absolute in any. The evidence given against me before the Lords was, as by the law it ought to be, given in upon oath; but the evidence now summed up and presented to this
0 honourable House, is but upon the collection and judgment of one man, how able or entire soever; and what he conceived is proved against me, is but according to *his* judgment and memory; which perhaps may differ much from the opinion and judgment of the judges themselves, who heard the evidence at large. Nor was this gentleman himself present every day of my hearing; and then for those days in which he was absent, he can report no more here, than what others have reported to him. So for so much, his repetition here is but a report of a report of evidence given; and at the best but a report of evidence, and not upon oath. And I suppose, never any jurors, who are triers of the fact in any case, civil or criminal, did ever ground their verdict upon an evidence only reported before them, and which themselves heard not.

(264) 'And if this manner of proceeding shall be thought less considerable in my person, yet I humbly desire it may be thoroughly weighed in the prudent judgment of this honourable House, the great preserver of the laws and liberties of the subject of England, how far it doth or may trench upon these in future consequences, if these great boundaries be laid loose and open.

'And because my infirmities are many and great, which age and grief have added to those which are naturally in me, I most humbly desire again, that my counsel may be heard for point of law, according to the former concession of this honourable House; for I assure myself, upon that which hath been pleaded to the Lords, that no one, nor all of

the things together, which are charged against me, if proved (which I conceive they are not), can make me guilty of high treason, by any known established law of this kingdom.

'The sum of all is this: Upon an impeachment arising from this House I have pleaded 'Not guilty.' Thereupon issue hath been joined[1], and evidence given in upon oath. And now I must humbly leave it to you, your wisdom and justice, whether it shall be thought fit, and just, and honourable, to judge me here only upon a report, or a hearsay, and that not upon oath.'

[1] ['issue hath been joined,' in margin.]

CAP. XLVI.

HERE ended the heavy business of this day. I was exceeding faint with speaking so long; and I had great pain and soreness in my breast for almost a fortnight after; then, I thank God, it wore away. I was commanded to withdraw, and to attend the House again on Wednesday, Novemb. 13; which I did. Then Mr. Brown made a reply to my answer: the reply had some great mistakes in it; but else was for the most part but a more earnest affirming of what he had delivered. And I conceived I was not to answer to his reply, but that he was to have the last speech: for so it was always carried, during my hearing in the Lords' House. Therefore being dismissed, I went away: and I was no sooner gone, but the House called for the ordinance which was drawn up against me, and without hearing my counsel, or any [1] more ado, voted me guilty of high treason [a]. And yet, when I came that day to the House, all men, and many of the House themselves, did much magnify my answer before given: I will forbear to set down in what language, because it was high; and as no time can be fit for vanity, so least of all was this time for me: and vain I must needs be thought, should I here relate what was told me from many and good hands. But it seems the clamour prevailed against me [2].

Novemb. 13, 1644.

On Saturday, Novemb. 16, this ordinance was passed the House of Commons suddenly, and with so great deliberation, as you have heard, was transmitted to the Lords [b]; and by

Novemb. 16.

[1] ['and without . . . or any' in margin.]
[2] ['all men . . . against me.' on opposite page.]

[a] [It is thus recorded in the Commons' Journals:—"An Ordinance for attainting of Wm. Laud, Archbishop of Canterbury, of High Treason, and for adjudging him, the said Archbishop of Canterbury, to suffer the pains of death, &c., was this day read the third time, and upon the question passed, and ordered upon the question to be sent unto the Lords for their concurrence, on Friday next, by Mr. Sam. Browne."]

[b] ["Die Sabbati, 16° die Novembris.
"A message was brought from the House of Commons by Samuel Browne, Esq., to this purpose:
"'That whereas the House of Commons impeached William Laud, Archbishop of Canterbury, of high treason, and brought up divers Articles to

Novemb. 22. them the debate concerning it put off to Friday, Novemb. 23. Then the Earl of Pembroke began more fully to show his cankered humour against me; how provoked, I protest I know not, unless by my serving him far beyond his desert. There, among other coarse language, he bestowed (as I am informed) the 'rascal' and the 'villain' upon me. And told the Lords, they would put off giving their consent to the ordinance, till the citizens would come down, and call for justice, as they did in my Ld. Strafford's case. Was there not justice and wisdom in this speech? Hereupon the business was put off to Saturday, Novemb. 23[d], and then to Friday, Novemb. 29. But then upon Thursday, Novemb. 28, Mr. Strowd came up with a message from the Commons, to quicken the Lords in this business[e]: And at the end of his message, he

Novemb. 23.
Novemb. 29.
Novemb. 28.

prove the same; their Lordships have heard the evidence, and the House of Commons have had the same repeated to them, and are satisfied of the truth of the charge: therefore they have passed an Ordinance for his attainder as a traitor; and they desire their Lordships' concurrence therein.'

"The said Ordinance was presently read once.

"The answer returned was:

"'That this House hath given one reading to the Ordinance now brought up, and will take it into serious consideration, and will send an answer by messengers of their own.'

"Ordered, That this House will take into consideration this Ordinance on Friday next: and that the Lords shall have notice to attend that day; and the House then to be called."]

[d] ["Die Veneris, 22° Novembris.

"The Ordinance for Attainder of the Archbishop of Canterbury was read the second time, and ordered to be committed to a Committee of the whole House, and to be taken into consideration to-morrow morning."]

[d] ["Die Sabbati, 23° Novembris.

"The House was adjourned into a Committee during pleasure, to take into consideration and debate the Ordinance for the Attainder of William Laud, Archbishop of Canterbury."

The business was proceeded with on Monday and Tuesday, as appears by the following entries:—

"Die Lunæ, 25° die Novembris.

"The House was adjourned into a Committee of the whole House, to debate and consider of the Ordinance, &c.

"And the House being resumed,

"These Lords following were appointed as Committees, to consider what alterations are fit to be made therein, and report the same to this House:—

L. Admiral.	Ds. Wharton.
Comes Northumb.	Ds. North.
Comes Kent.	Ds. Grey.
Comes Pembrooke.	Ds. Howard.
Comes Sarum.	Ds. Bruce.

L. Viscount Say and Seale.

Any five to meet at four of the clock this afternoon, in the Lord-Keeper's lodgings; and Mr. Baron Trevor, and Mr. Justice Reeves, and Mr. Serjeant Whitfield to be assistant.

"Die Martis, 26° die Novembris.

"The Lord Admiral reported to the House, 'That the Committee for the Ordinance concerning the attainder of the Archbishop of Canterbury met yesterday, and after much debate, the Committee thought it fit to return it to the House again, as a thing fit to be debated by the whole House.'....

"Ordered, That upon Friday morning next, the House will take into consideration the Ordinance concerning the Archbishop of Canterbury, at which time the Lords are to have notice to attend the House."]

[e] ["Die Jovis, 28° die Novembris.

"A message was brought from the House of Commons, by Mr. Stroude and others,

"To desire that their Lordships would be pleased to give expedition to the Ordinance brought up concerning the Attainder of the Archbishop of Canterbury: it being to execute jus-

let fall, that 'they should do well to agree to the ordinance, or else the multitude would come down and force them to it.' At this, some Lords very honourably took exception; and Mr. Strowd durst not bide it, that this was any part of the message delivered him by the House of Commons. But the matter was passed over, and Mr. Strowd not so much as checked. This, it may be, was thought seasonable by some, to hearten on the violence of the Earl of Pembroke.

The business not long heard on Friday [f], was put off again to Monday, Decemb. 2, and the House of Lords put into a Committee, to examine particulars by their notes [g]: the Earl of Northumberland [h] on the woolsack during the debate, which continued, more or less, some days [i]. Where their own Decemb. 2.

tice upon a person who is such a notorious delinquent, that endeavoured the subversion of all our laws; and the eyes of the country and city being upon this business, the expedition of it will prevent the demanding of justice by multitudes." . . .

A Committee was appointed who prepared the following answer, which was sent down to the House of Commons:—

"That their Lordships have already spent several days upon the debate of the Ordinance concerning the Archbishop of Canterbury and had appointed to-morrow morning to proceed further in that business; and will, upon all occasions, be ready to give expedition to any matters of justice that come before them. But if multitudes should come down to Westminster, to disturb the proceedings of Parliament, their Lordships know well how to punish such disorders; and they doubt not but, if there be occasion for it, they shall not want the concurrence of the House of Commons."]

[f] ["Die Veneris, 29° die Novembris.

"The House was adjourned into a Committee of the whole House during pleasure, to debate the Ordinance, &c.

"The House being resumed, it is ordered, That this business shall be taken into further consideration on Monday next, at eleven of the clock; at which time all the Lords are to have notice to attend this House that day, upon pain of the forfeiture of twenty pounds a piece, to be employed for the relief of maimed soldiers; and the judges are to attend that day."]

[g] ["Die Lunæ, 2° die Decembris.

"Ordered, That this House will take into consideration to-morrow morning, the matters of fact concerning the Archbishop of Canterbury's business.

"To that purpose the Lords will review their notes, and recollect their memories, and see what matters of fact appear under the Archbishop's own handwriting."]

[h] [Algernon Percy, tenth Earl.]

[i] [The proceedings for the few next days, are thus recorded in the Lords' Journals:—

"Die Martis, 3° die Decembris.

"Ordered, That the business concerning the Archbishop of Canterbury shall be taken into consideration to-morrow morning, the first business; and the Speaker is to put the House in mind of it."

"Die Mercurii, 4° die Decembris.

"The House was adjourned into a Committee during pleasure, to take into consideration the Ordinance, &c. To that purpose their Lordships did consider the matter of fact given in evidence against him at the trial.

"The House was resumed.

"And then it was ordered, That all books, writings, papers, dockets, and evidences, concerning the Archbishop of Canterbury's trial, shall be brought into the Clerk of this House by nine of the clock in the morning on Friday next; at which time this House will proceed in the business, and to be the first business; and all the Lords now present are to attend the House." "Die

notes failed, they called to Mr. Brown, clerk of their House, for his. But at last, finding him very ready and quick for anything that was charged against me, but loth to be known what answer I gave to any point, some Lords observed it. And it did after appear, that the notes which he put to the Lords, were not the notes which himself took, but that he had a copy given him, (whether by Mr. Pryn or any other, I know not,) and I was informed that the Earl of Warwick had another copy of the very same. This is marvellous (265) just and honourable in that Earl: and most christianlike in Mr. Brown. It may be, he learned it out of the notes which his father-in-law takes at sermons.

Decemb. 6, 1644. Upon Monday, December 16, there was (the times considered) a very full House of Lords; about twenty present, and my business largely debated, and ready to come to the question [k]. I wish with all my heart it had, while the House was so full. But the Earl of Pembroke fell again into his wonted violence: and asked the Lords what they stuck at? And added; 'What, shall we think the House of Commons had no conscience in passing this ordinance? Yes, they knew well enough what they did.' One of the wits hearing this excellent passage of the Earl's, protested, if ever he lived

"Die Veneris, 6° die Decembris.

"The House was adjourned during pleasure to take into debate the Ordinance, &c., and to consider of the evidence."

"Die Sabbati, 7° die Decembris.

"The House was adjourned into a Committee during pleasure, to consider of the evidence against the Archbishop of Canterbury.

"The House being resumed, it is ordered, That this House will proceed in this business, on Monday morning next, at nine o'clock; at which time their Lordships are to have notice to attend the House."

"Die Lunæ, 9° die Decembris.

"The House was adjourned into a Committee, &c.

"The House being resumed, it is ordered to be taken into consideration to-morrow morning, at nine of the clock."

"Die Jovis, 12° die Decembris.

"The House was adjourned into a Committee, &c.

"The House being resumed, it was moved, 'That it be desired of the House of Commons, that, having heard the Counsel of the Archbishop in point of law, concerning the Archbishop's charge, their Lordships might hear by some whom they shall appoint to make good the charge in point of law.

"And it is ordered."

"Die Veneris, 13° die Decembris.

"Ordered, That this House will take into consideration the Archbishop of Canterbury's business to-morrow morning, and the Lords are to have notice to attend this House."

"Die Sabbati, 14° die Decembris.

"The House was adjourned during pleasure into a Committee, &c.

"The House being resumed, the House resolved to send to the House of Commons, to desire that their Lordships may hear them in point of law, in answer to the reply of the Counsel of the Archbishop."]

[k] ["Die Lunæ, 16° die Decembris.

"The House was adjourned into a Committee, &c."]

to see a Parliament in Bedlam, this prudent Earl should be Speaker, if he were able to procure him the place.

In the meantime this unhappy clamour of his put the business off again to the next day, being Tuesday; then there were but fourteen Lords in the House. My business was assumed, and proposed in three questions, and I was voted guilty of the fact[1] in all three. Namely, guilty of endeavouring to subvert the laws; to overthrow the Protestant religion; and that I was an enemy to Parliaments[l]. Then it being put to the judges, whether this were treason or no; the judges unanimously declared, that nothing which was charged against me was treason, by any known and established law of the land, with many things to and fro concerning this business[m]. Decemb. 17.

On Tuesday, Christmas-eve, the Lords had a Conference with the Commons about it[n]. In which they declared, that Decemb. 24.

[1] ['of the fact' in margin.]

[l] [Die Martis, 17° die Decembris.

"The House took into consideration, whether in their consciences, upon the proofs which they have heard, the matter of fact charged in the Ordinance for the Attainder of the Archbishop of Canterbury of high treason, be proved or not?

"And, after a mature debate, these particulars were voted: videlicet,

"1. Whether Will. Laud, Archbishop of Canterbury, hath endeavoured to subvert the fundamental laws and government of the kingdom of England; and instead thereof, to introduce an arbitrary and tyrannical government against law.

"And it was resolved in the affirmative.

"2. Whether he hath endeavoured to alter and subvert God's true religion, by law established in this realm; and, instead thereof, to set up Popish superstition and idolatry?

"And it was resolved in the affirmative, *nemine contradicente*.

"3. Whether he hath endeavoured to subvert the rights of Parliaments, and the ancient course of Parliamentary proceedings, and by false and malicious slanders to incense his Majesty against Parliaments?

"And it was resolved in the affirmative."]

[m] [On the same day "it was moved, 'That the matters of fact charged against the Archbishop of Canterbury being voted to be proved, that the judges might deliver their opinions upon those votes in point of law, whether they were treason upon the whole matters voted?' And all the judges answered, 'That they could deliver no opinion in this case, in point of treason by the law, because they could not deliver any opinion in point of treason, but what was particularly expressed to be treason in the statute of 25 Edw. III. cap. [ii.] And so referred it wholly to the judgment of this House.'"]

[n] [The proceedings previous to this Conference, are thus recorded in the Lords' Journals:—

"Die Sabbati, 21° die Decembris.

"Ordered, That the business concerning the Archbishop of Canterbury shall be taken into consideration on Monday morning next, the first business."

"Die Lunæ, 23° die Decembris.

"The House took into consideration the Ordinance for the Attainder of the Archbishop of Canterbury, and it was moved, 'That there might be a Conference with the House of Commons, to desire their Lordships might hear from them concerning the matter of law,

they had diligently weighed all things that were charged against me, but could not by any one of them, or all, find me guilty of treason. And, therefore, desired that the argument made by my Counsel might be answered. And if it could be made appear unto them by any law, to be treason, they would then proceed further, as in honour and justice they should find fit. Then came Christmas-day, the last Wednesday in the month, and a most solemn fast kept on it, with as solemn an ordinance for the due observance of this fast, and against the manner of keeping of that day in former superstitious times [o]. A fast never before heard of in Christendom [1].

Decemb. 25.

After this Conference, Mr. Sergeant Wild, speaking freely to some friends about this business, told them, 'he wondered the Lords should so much distrust their judgments, as to desire a conference about it.' To see how good wits agree! Surely, I believe he was of the Earl of Pembroke's counsel, or the Earl of his, they jump so together. It seems in these men's opinions, the House of Commons can neither err in

[1] [A passage here erased so as to be illegible.]

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touching the Ordinance for Attainder of the Archbishop of Canterbury.'

"And this question was put, 'Whether to proceed in the ordinance concerning the Archbishop of Canterbury, before a Conference had with the House of Commons concerning matter of law?' And it was resolved in the negative.

"Hereupon it is ordered to have a Conference with the House of Commons presently; and the Earl of Sarum, Earl of Stamford, Lord North, Lord Willoughby, and the Lord Howard, were appointed to draw up the subject-matter of this Conference. . . . .

"The Lord North reported from the Committee, the heads prepared for a Conference with the House of Commons, concerning the Ordinance touching the Archbishop of Canterbury; which was read, as followeth:—

"'The Ordinance that concerns the Archbishop of Canterbury, consisting of matter of fact, and the punishment therein applied importing treason, which, as divers Members of the House of Commons who lately managed that cause well know, was by the counsel of the Archbishop strongly opposed; alleging the Statute of a Restraint of Treasons to be confined to the statute of the 25 Edw. III., with many other allegations and arguments whereby to exempt the Archbishop, upon all the crimes objected against him, from such height of punishment; all which remaining still with them as unanswered, the Lords have thought good to acquaint the House of Commons with their just scruple therein; which is such, as for the present, until further satisfaction, they cannot so freely consent unto the Ordinance. But they, as formerly in another way, so are now ready to receive what they will contribute herein.'

"The House approving of this, ordered, 'That this should be communicated to-morrow morning to the House of Commons, at a free Conference, and the Lord North is to manage the Conference.'"]

[o] [This Ordinance is recorded in Lords' Journals, Die Jovis, 19° die Decembris.]

conscience nor judgment. Howsoever, that House thought it fit the Lords should be satisfied, that I was by law guilty of high treason[p]. And to that end sent up a Committee, Jan. 2, 1644, to make proof of it to their Lps.[q] At this meeting two judges were present, Justice Reeves, and Judge Bacon. The managers of the business against me, were three lawyers, Mr. Brown, Sergeant Wild, and Mr. Nicolas. Neither myself nor any of my counsel there. What this will effect upon the Lords, time must discover, as it doth the effects of other eclipses. And thus far I had proceeded in this sad history by Jan. 3, 1644. The rest shall follow as it comes to my knowledge. Jan. 2, 1643. Jan. 3.

H. W.—*Next day, the Archbishop receiving the news, that the Bill of Attainder had passed in the House of Lords, broke off his History, and prepared himself for death. I shall therefore supply the history from the accounts of Mr. Rushworth, and Dr. Heylin.*

[p] [The House of Commons sent up a message on Jan. 1, to desire a free Conference concerning the Archbishop of Canterbury, and their Lordships agreed to give a free Conference the next morning at nine o'clock.]

[q] [The only record of this proceeding in the Lords' Journals is the following:—

"The House was adjourned during pleasure, and the Lords went to the Conference concerning the Archbishop of Canterbury; which being ended, the House was resumed."]

A SHORT

SUPPLEMENT TO THE PRECEDING HISTORY,

TAKEN FROM THE

HISTORICAL COLLECTIONS OF JOHN RUSHWORTH,

PAR. III. VOL. II. P. 834.

THE reasons of the Commons for the attainder of the Archbishop were, at a conference, Jan. 2, by Sergeant Wild, Mr. Brown, and Mr. Nicolas, communicated to the Lords[a];

[a] [The following are the reasons of the Commons as reported in the Lords' Journals:—

"Die Sabbati, 4° die Januarii.

"The Lord Admiral reported the late conference with the House of Commons, concerning the Archbishop of Canterbury's business, to satisfy their Lordships in point of law, that the charge of matter of fact laid down in the Ordinance for his Attainder, is treason by the common law. . . .

"The report of the Lord Admiral, of the matter delivered by Mr. Browne, at the conference concerning the Ordinance for Attainder of the Archbishop of Canterbury.

"That Mr. Browne offered to their Lordships' consideration these things ensuing, to move them to concur with the House of Commons in the Ordinance for Attainder of the Archbishop of Canterbury.

"1. The objections that were made by the Archbishop's Counsel against the Lords' giving judgment upon the Articles were answered.

"2. Reasons were given why the Lords should concur in the ordinance.

"The objections were—

"1. That there is no treason at this day, that is not within the statute of 25 Edw. III.

"2. That no act done by the Archbishop is within the statute of 25 Edw. III.

"This was answered by four grounds that were taken—

"1. That there are treasons at the common law which are not within the statute; and those are not taken away by that statute.

"2. Divers of those treasons are treasons against the realm; or thus, that treason may be against the realm, as well as against the king.

"3. Of all those treasons that are treasons against the realm, or at common law, the Parliament is the only judge; and no inferior judge can judge of them, but upon the declaration of the Parliament.

"4. That ever since the statute of 25 Edw. III. the Parliament hath adjudged, declared, and enacted divers things to be treason, which are not within the words of the statute of 25 Edw. III.

"1. That there are other treasons than those mentioned in the statute appears plainly by the words of the statute, which are,—'Because many other like cases of treason may happen in time to come, which a man cannot think or declare at this present, &c., if any such case happen before any justice, the justice shall tarry, without going to judgment of the treason, till the cause be showed before the King and his Parliament.'

"Glanville, lib. x. 'To do anything *in seditione regni* is treason. This no

thereupon, on the 4th of January, passed the Ordinance

in any inferior court can judge
ı, yet the Parliament may.'
° Ass. 19. In Edw. I. time, one
traitor for bringing a Bull of
munication against a subject
Compare these with the case in
ɔn.
ıese treasons, or any other com-
.w treasons, the Parliament may
e treasons, for there are no words
Act to restrain the Parliament.
Edw. III. Rot. Parliam. No. 15.
cited by the Archbishop's Coun-
at encroaching of royal power
ason at the common law.
Of these treasons, some are trea-
gainst the realm, and treason
as well committed against the
as against the King.
Edw. III. cap. i. the Spencers
aitors against the King and his

ſar. cap. vi. treason against the

Hen. [VIII.] cap. xvii. An Act
ke them traitors against the
that should claim the Crown in
ıer way than is there prescribed.
These common law treasons,
l treasons that are against the
which are not mentioned in
tute of 25 Edw. III., belong to
rliament, and to them only, to
declare, or by Bill to enact.
is *Lex Parliamenti;* and the
nent (as Coke, 'Jurisdictions of
, 15,' saith) is not, in proceed-
ɔon treasons, bound to the pro-
gs of inferior courts.
Rich. II. Therning, Chief Jus-
ing demanded by the Lords a
ɔn concerning treason, said:
not judge it treason, because I
ınd up by 25 Edw. III. But if
peer of the realm, I would ad-
t treason.'
That in all times since 25 Edw.
ıe Parliaments have both ad-
, declared, and enacted things
treason, that are not treasons
the statute of 25 Edw. III.
They have adjudged treasons
e not within the statute of 25
II.
Rich. II. No. 38, 39, Parliament
Gomines and Weston were ad-
traitors in Parliament, for sur-
ng two castles in France out of
ıt without any compliance with
ımy. This had no colour of be-
hin the statute of 25 Edw. III.

"11 Rich. II. Judgment was given in Parliament against divers persons for treasons, but not one of them within the statute of 25 Edw. III. The case then was, there was a Commission, 10 Rich. II., that was granted by Parliament to divers great men, for the well government of the kingdom; this was to last a year. Those that gave their opinions, and endeavoured to overthrow this Commission, and the Commissioners that were appointed by Parliament, were adjudged traitors to the realm as well as to the King; and there it was said, 'that, in cases of treason, which concern the King and kingdom, they are not to proceed according to the rule of the common law, and inferior courts, but according to the course of Parliament, so as may be for the common good.'

"11 Rich. II. cap. i. ii. iii. mentions the judgments.

"1 Hen. IV. No. 48, those judgments confirmed by Parliament. The same is in the printed statutes.

"The main of that treason was the overthrow of one statute, which was to last but a year. But this Archbishop endeavoured to overthrow both the common law, the statute laws, and the Parliaments, all at once.

"2. The Parliament hath, since the statute of 25 Edw. III., declared divers things to be treason, which are not treasons within that statute.

"3 Rich. II. Rot. Parl. No. 18, John Kirby and Algore, that slew John Imperiall, an ambassador from Genoa, was indicted for treason; the indictment found, the judges before whom it was found, advised with the Parliament, who declared it treason; and thereupon judgment was given. This is no treason within 25 Edw. III. Parliament Roll, No. 10. In Parliament, they declared the judgment against Thorpe of treason for bribery, to be lawful, and agreeable to treason.

"3. As the Parliament is the supreme court of the kingdom, it may inflict punishment of treason on capital offenders by their legislative power. This they have done, this they may do, although the offence was not treason when it was committed.

"15 Hen. VI. No. 15. Wm. Pull did ravish the widow of John Boteler. She complains in Parliament. They enact, that if Pull yield not himself before such a day, he shall for that fact

of Attainder [b]; whereby it was ordained, that he should suffer

be a traitor attainted. Yet, before he committed this offence, there was no such law.

"25 Hen. VIII. cap. xii. Eliz. Burton attainted of treason for her fantastical prophecies; none of them within the statute of 25 Edw. III.

"3 Edw. VI. cap. xviii. the Lord Seymour the Admiral was attainted for procuring letters from the King of ill consequence; for saying, 'he would make that Parliament the blackest Parliament that ever was in the kingdom;' and for taking bribes. These not within 25 Edw. III.

"To apply all this to the case in question.

"This Archbishop hath endeavoured to overthrow the laws, and, instead of them, to bring in arbitrary and tyrannical government; to overthrow religion, and bring in Popery and superstition; and to incense the King against Parliaments, and to overthrow Parliamentary proceedings.

"All these have been voted by your Lordships.

"If this be not treason against the realm, nothing can be treason.

"The King enjoys his crown, your Lordships your honour and possessions, the subjects their liberties [and] proprieties, all by the law; and this he would overthrow. He sticks not at it, to accroach or usurp upon royal power, by taking to himself power to punish and pardon all offences in the High Commission Court; that is to say, to moderate fines and forfeitures there at his pleasure, and to exclude the King from intermeddling with them.

"This one offence some ages would have made treason without scruple.

"Compare these treasons with all former treasons, and they are beyond all the former.

"My Lord of Strafford's, it was resolved by all the judges, that for the offences voted by the Lords, he deserved to undergo the pains of treason, and the forfeitures of treason; his overthrowing the fundamental laws was one, and as great a one as any. This Archbishop did not endeavour only, but showed his endeavour by actions and counsels.

"We all agree in the fact and offence; we desire your Lordships we may agree in the punishment; and that your Lordships would pass the ordinance."]

[b] [The Ordinance for the Archbishop's Attainder is thus recorded in the Lord's Journals for January 4:—

"Whereas the knights, citizens, and burgesses of the House of Commons, in this present Parliament assembled, have, in the name of themselves, and of all the Commons of England, impeached William Laud, Archbishop of Canterbury, for endeavouring to subvert the fundamental laws and government of the kingdom of England, and, instead thereof, to introduce an arbitrary and tyrannical government, against law; and to alter and subvert God's true religion by law established in this realm, and instead thereof to set up popish superstition and idolatry; and to subvert the rights of Parliaments, and the ancient course of Parliamentary proceedings; and, by false and malicious slanders, to incense his Majesty against Parliaments; for which the Archbishop deserves to undergo the pains and forfeitures of high treason; which said offences have been sufficiently proved against the said Archbishop, upon his impeachment: Be it therefore ordered and ordained, by the Lords and Commons in this present Parliament assembled, and by authority of the same, that the said Archbishop for the offences aforesaid, stand and be adjudged attainted of high treason, and shall suffer the pains of death, and shall incur all forfeitures both of lands and goods, as a person attainted of high treason should or ought to do. Provided, that no judge or judges, justice or justices whatsoever, shall judge or interpret any act or thing to be treason, or hear or determine any treason, nor in any other manner, than he or they should or ought to have done before the making of this ordinance; and as if this ordinance had never been had nor made. Saving always unto all and singular persons, and bodies politic and corporate, their heirs and successors (others than the said Archbishop and his heirs, and such as claim by, from, or under him,) all such right, title, and interest, of, in, and to, all and singular such of the lands, tenements, and hereditaments, as he or any of them had before the first day of this present Parliament, anything herein contained to the contrary notwithstanding."]

death, as in cases of high treason. And on the 6th of January it was ordered by both Houses, that he should suffer accordingly on Friday the 10th [c]. But on the 7th, the Lords, at a conference, acquainted the Commons with a letter and petition from the Archbishop, and a pardon to him from the King dated the 12th of April, 19 Car., of which he desired the benefit; but the same was overruled and rejected [d]. His petition was, that in case he must die, Dr. Stern [e], Dr. Heywood [f], and Dr. Martin [g], might be permitted to be with him, before and at his death, to administer comfort to his soul; and that the manner of his execution might be altered to beheading [h].

[c] ["Die Lunæ, 6° die Januarii.

"A message was brought from the House of Commons by Mr. Nicholas, &c.

"To desire their Lordships' concurrence, that execution shall be done upon the body of William Laud, Archbishop of Canterbury, upon Friday next, being attainted of high treason by judgment of both Houses of Parliament; and the Lieutenant of the Tower is hereby enjoined to deliver his body over to the Sheriffs of London; and the Sheriffs of London are hereby required to see execution done accordingly, upon Tower Hill.

"Ordered, That this House agrees with the House of Commons in this message."]

[d] [The following are the entries in the Lords' Journals on these subjects:

"Die Martis, 7° die Januarii.

"The Speaker (Lord Grey of Werke) acquainted this House, that he had received a letter and a box from the Archbishop of Canterbury.

"'My Lord,

"'In the sad condition in which I now am (as I have understood by a warrant this day), I could not think fit to be so wanting to myself as a Christian, or so ungrateful to his Majesty's unexpected favour, as not to tender this his gracious pardon, by your Lordship, to that honourable House, humbly conceiving that neither this his Majesty's gracious pardon, nor any person, are any way secluded by any ordinance of either or both Houses of Parliament. So, laying myself at their feet, I most humbly desire your Lordship this pardon may be presented to their honourable considerations. And I shall ever rest,

"'Your Lordship's humble Servant,

"'W. Cant.

"'Jan. 6°, 1644.

"'For the Right Honourable my very good Lord, the Lord Gray of Werke, Speaker of the Right Honourable House of Peers.'

"The pardon was commanded to be read, dated 12° April, 19° Car., but nothing ordered thereupon."

It may be added, that this pardon was granted at the suggestion of Hyde, afterwards Earl of Clarendon. See Hist. of Rebellion, vol. v. p. 33.]

[e] [Richard Sterne, Master of Jesus College, Cambridge, afterwards Bishop of Carlisle, and Archbishop of York.]

[f] [See vol. v. p. 167.]

[g] [See above, p. 290, note [l].]

[h] [On the same day "a petition of Wm. Archbishop of Canterbury was read,

"'Humbly shewing,

"'That their Lordships' poor petitioner, in much affliction for the censure which is passed against him by both the honourable Houses of Parliament, and much more for that, than that he is to leave the world in such a penal way; yet, since his grey head must needs go with this sorrow to its grave, unless the same power shall be honourably pleased, for his age and calling's sake, to alter the punishment, he most humbly prayeth, that their Lordships will be pleased to give order, that Dr. Martin, Dr. Haywood, Dr. Sterne, or some of them, having been his Chaplains, may by your Lordships' favour (though they be now prisoners in Ely House) have liberty to come to comfort and assist him in this time of his affliction; he being desirous not to have any strangers about him at this time, and no other of his acquaintance being present in London.

"'W. Cant.'

To which the Lords agreed[i]; but the Commons then refused both; only granted, that Dr. Stern, and Mr. Marshal[k], and Mr. Palmer[l], should go to him; and one or both of the latter, to be constantly present, whilst Dr. Stern was with him. But the next day, upon another petition of his, setting forth reasons, from his being a divine, a bishop, one that had had the honour to sit in the House of Peers, and of the King's most honourable Privy Council, &c., praying in those regards, not to be exposed to such an ignominious death[m]; the Commons consented to remit the rest of the sentence, and that he should suffer death by being beheaded[n].

"This House thought fit to give leave, that the persons aforesaid have liberty to go to the Archbishop of Canterbury, as he desires; provided the Keeper, in whose custody they are, do go with them, and see they return again to the prison where they are.

"And considering the great places the Archbishop hath been in, their Lordships incline, that he may have that favour showed, as to have his head struck off, and not hanged."

The Speaker was also directed to hold a conference with the Commons on these subjects, and to communicate to them the decision of the Lords.]

[i] [A copy of the following letter of thanks is preserved in the Tanner MSS. vol. lxi. fol. 247. Its substance is given in the Lords' Journals, January 8:—

"To the Right Honourable the Lords assembled in Parliament.

"The humble petition of William Archbishop of Canterbury.

"Most humbly thanks your Lordships, in that you have been pleased to mitigate the severity of the sentence lately passed against him. And humbly beseecheth, that you will be a means, that in regard of his age, his calling, and that he hath had the honour to sit in sundry Parliaments, this favour may be continued unto him, and that his dead body may be left to his servants, to see the same interred.

"Which clemency of yours your poor unfortunate petitioner shall most thankfully acknowledge, and those few hours he hath to live, not cease to pray for your Lordships. "W. CANT.

"January 8, 1644."

On the receipt of this petition, the Lords informed the House of Commons, that they thought fit to accede to the request; and the Commons stated in reply, that they agreed with their Lordships, in granting both this and the former petition of the Archbishop.]

[k] [Stephen Marshall, one of the leading Puritans. He was one of the authors of Smectymnuus.]

[l] [See above, p. 298, note [p].]

[m] [A copy of this petition is preserved in the Tanner MSS. vol. lxi. fol. 246.

"To the Right Honourable the Knights, Citizens, and Burgesses assembled in Parliament.

"The humble petition of William Archbishop of Canterbury sheweth,

"That your distressed petitioner, having heretofore to his great grief, been troublesome to this honourable House with divers petitions, is now bold to present this his last most humble and earnest suit.

"It is not for life which he sues, which he hath but little cause to be in love withal, but only that the severity of his sentence may be mitigated, and that in regard to his age, his calling, and that he hath had the honour to sit in sundry Parliaments, the course of justice may be satisfied by the taking of his head only, and that afterwards his head, together with his miserable body, may be left to his servants who may see them buried.

"This last favour if you please to grant, your unfortunate petitioner shall most thankfully acknowledge, and those few hours he hath to live, pray to God to direct you in all your proceedings. "W. CANT.

"January 8, 1644."]

[n] [The ordinance for beheading the Archbishop runs thus:—

"Whereas William Archbishop of

Accordingly, on the 10th of January, he was conducted from
4 the Tower to the scaffold on Tower-Hill[o]; where, being arrived, holding a paper in his hand, he spake to the people as followeth.

Then followeth the Archbishop's Speech and Prayer, and other circumstances of his execution, verbatim, *as they were printed in a pamphlet of three sheets in 4to. London,* 1644[p].

Canterbury stands adjudged attainted of high treason, by ordinance of both Houses of Parliament, and is thereby to suffer the pains of death, as a person attainted of high treason should or ought to do. It is now ordained by the Lords and Commons assembled in Parliament; That as touching his corporal punishment, the head only of the said Archbishop shall be cut off, at the Tower Hill, at the accustomed place, there used for such purpose; and that afterwards his head and body shall be delivered unto his servants, or some of them, to be by their care buried; and it is hereby further ordained, That the Lieutenant of the Tower of London shall, on Friday, the tenth of January, 1644, deliver the body of the said Archbishop to the Sheriffs of London at Tower Hill, in the accustomed place; and that the said Sheriffs of London shall the same day receive and execute the said Archbishop, at the accustomed place at Tower Hill aforesaid, in such sort, manner, and form only, as by this ordinance is appointed and declared: and this present ordinance shall be sufficient warrant and discharge to the said Lieutenant of the Tower and Sheriffs of London, and every of them, in that behalf; anything in the said former ordinance, or any other ordinance or order of both or either House of Parliament, or any other matter or thing whatsoever to the contrary notwithstanding."]

[o] [On the evening before his execution, the Archbishop addressed the following petition to the Lords, a copy of which is preserved in Tanner MSS. vol. lxi. fol. 248, and the substance of which is given in Lords' Journals, January 10:—

"To the Right Honourable the Lords assembled in Parliament.

"The humble petition of William Archbishop of Canterbury.

"Your petitioner, not unmindful nor unthankful for the late honourable favour of both Houses extended to him, which he expressed and then conceived was and would be his last request to your Lordships,

"Yet now in all things summing up himself as well concerning the outward as inward man, finding his necessities, in regard of the great charge of his imprisonment, had contracted some small debts beyond that allowance your honourable favour had extended to him out of his sequestered estate, no means left to bring his body to the ground, but to leave it a charge to his poor servants, who have now in a manner suffered four years imprisonment with him unrewarded.

"Your petitioner this his last humble suit (which he knows not whether it may come to your Honours before he be no more of this world) humbly presenteth to your Lordships, praying it may be communicated to the honourable House of Commons, that, as for his allowance whilst he lived, so somewhat may (to answer these his humble desires) be allotted out of his sometimes sequestered estate, by your honourable Committee of Sequestrations, and that timely in regard of the disposal of his corpse.

"W. CANT."

The Lords transmitted this petition to the Commons, requesting their concurrence in referring it to the Committee of Sequestrations.]

[p] [This copy of the Speech begins thus:—"Good people, You'll pardon my old memory, and upon so sad occasions as I am come to this place, to make use of my papers, I dare not trust myself otherwise." It has also several other variations from the copy published by Heylin, and printed below. But it has been considered quite sufficient to collate the two copies which profess to be taken from the original MS.]

A LARGER

SUPPLEMENT TO THE PRECEDING HISTORY,

TAKEN OUT OF DR. HEYLIN'S CYPRIANUS ANGLICUS;
OR, HIS LIFE OF ARCHBISHOP LAUD.

PAGE 527, &c.

THE Bill of Attainder of the Archbishop passed in the House of Commons November 13, 1644. But yet the business was not done; for the Lords stuck at it: some of which, having not extinguished all the sparks of humanity, began to find themselves compassionate of his condition, not knowing how soon it should or might be made their own, if once disfavoured by the grandees of that potent faction. For the ordinance having been transmitted to the House of Peers, and the House of Peers deliberating somewhat long upon it, it was voted on December 4, 'That all books, writings, and evidences, which concerned the trial, should be brought before the Lords in Parliament;' to the end, that they might seriously and distinctly consider of all particulars amongst themselves, as they came before them. But meaning to make sure work of it, they had in the meantime (after no small evaporations of heat and passion) prepared an ordinance, which they sent up unto the Lords, importing the displacing of them from all those places of power and command which they had in the army. Which being found too weak to hold, they fall upon another and a likelier project, which was to bring the Lords to sit in the Commons' House, where they were sure they should be inconsiderable both for power and number. And to effect the same with more speed and certainty, they had recourse to their old arts, drawing down Watkins with his general muster of subscriptions, and putting a petition into his hands, to be tendered by him to the Houses, that is, themselves: wherein it was required amongst other things, that they should 'vigorously proceed unto the punishment of all delinquents;' and that for the

more quick despatch of public business of State, the Lords would please to vote and sit together with the Commons. On such uncertain terms, such a ticklish tenure, did they then hold their place and power in Parliament, who so officiously complied with the House of Commons, in depriving the bishops of their vote, and the Church's birthright. And this was it which helped them in that time of need. And yet not thinking this device sufficient to fright their Lordships to a present compliance, Strowd was sent up with a message from the House of Commons, to let them know, that the Londoners would shortly bring a petition, with 20,000 hands, to obtain that ordinance. By which stale and common stratagem, they wrought so far on some weak spirits, the rest withdrawing themselves (as formerly in the case of the Earl of Strafford), that in a thin and slender House, not above six or seven in number, it was passed at last. The day before they passed the ordinance for establishing their new Directory; which in effect was nothing but a total abolition of the Common Prayer-Book; and thereby showed unto the world, how little hopes they had of settling their new form of worship, if the foundation of it were not laid in the blood of this famous prelate, who had so stoutly stood up for it, against all novellism and faction, in the whole course of his life. It was certified by some letters to Oxon, and so reported in the *Mercurius Aulicus* of the following week, that the Lord Bruce [a] (but better known by the name of the Earl of Elgin) was one of the number of those few Lords, which had voted to the sentence of his condemnation: the others which concurred in that fatal sentence, being the Earls of Kent [b], Pembroke [c], Salisbury [d], and Bullingbrook [e], together with the Lord North [f], and the Lord Gray of Wark [g]. But what-

[a] [Thomas Bruce attended King Charles at his coronation in Scotland. He was created, June 21, 1633, Earl of Elgin in Scotland, and, August 1, 1641, Baron Bruce in the English peerage.]

[b] [Henry Grey, tenth Earl.]

[c] [Philip Herbert, fourth Earl of Pembroke, so frequently mentioned in the course of this trial. He succeeded Laud as Chancellor of the University of Oxford.]

[d] [William Cecil, second Earl of Salisbury. He deserted the King at York, and joined the Parliament, and when the House of Peers was put down by Cromwell, was chosen a member of the House of Commons.]

[e] [Oliver St. John, first Earl of Bolingbroke, one of the Parliamentary Commissioners of the Broad Seal.]

[f] [Dudley, third Lord North. He was nominated by Parliament one of the Commissioners of the Admiralty in 1645.]

[g] [Speaker of the House of Lords.]

soever may be said of the other six, I have been advertised lately from a very good hand, that the said Lord Bruce hath frequently disclaimed that action, and solemnly professed his detestation of the whole proceedings, as most abhorrent from his nature, and contrary to his known affections, as well unto his Majesty's service, as the peace and preservation of the Church of England.

This ordinance was no sooner passed, but it revived many of those discourses which had before been made on the like occasion, in the business of the Earl of Strafford. . . . Here we have a new-found treason, never known before, nor declared such by any of his Majesty's justices, nor ever brought to be considered of by the King and his Parliament; but only voted to be such, by some of those members which sat at Westminster, who were resolved to have it so for their private ends. The first example of this kind, the first that ever suffered death by the shot of an ordinance, as himself very well observed in his dying speech upon the scaffold, (though purposely omitted in Hind's printed copy,) to which now he hasteneth.

For the passing of the ordinance being signified to him by the then Lieutenant of the Tower, he neither entertained the news with a stoical apathy, nor wailed his fate with weak and womanish lamentations, (to which extremes most men are carried in this case,) but heard it with so even and so smooth a temper, as showed he neither was ashamed to live, nor afraid to die. The time between the sentence and execution, he spent in prayers and applications to the Lord his God, having obtained, though not without some difficulty, a chaplain of his own to attend upon him, and to assist him in the work of his preparation; though little preparation needed to receive that blow, which could not but be welcome, because long expected. . . . On the evening before his pass-over, the night before the dismal combat betwixt him and death, after he had refreshed his spirits with a moderate supper, he betook himself unto his rest, and slept very soundly, till the time came, in which his servants were 44
appointed to attend his rising. A most assured sign of a soul prepared.

The fatal morning being come, he first applied himself to

his private prayers, and so continued, till Pennington and others of their public officers came to conduct him to the scaffold; which he ascended with so brave a courage, such a cheerful countenance[h], as if he had mounted, rather to behold a triumph, than be made a sacrifice, and came not there to die, but to be translated. And though some rude and uncivil people reviled him as he passed along, with opprobrious language, as loth to let him go to the grave in peace, yet it never discomposed his thoughts, nor disturbed his patience. For he had profited so well in the school of Christ, that 'when he was reviled, he reviled not again; when he suffered, he threatened not; but committed his cause to Him that judgeth righteously[i].' And as he did not fear the frowns, so neither did he covet the applause of the vulgar herd; and therefore rather chose to read what he had to speak unto the people, than to affect the ostentation, either of memory or wit, in that dreadful agony: whether with greater magnanimity than prudence, I can hardly say. As for the matter of his speech, besides what did concern himself and his own purgation, his great care was to clear his Majesty and the Church of England from any inclination to Popery; with a persuasion of the which, the authors of the then present miseries had abused the people, and made them take up arms against their Sovereign. A faithful servant to the last: by means whereof, as it is said of Sampson in the Book of Judges, that 'the men which he slew at his death, were more than they which he slew in his life[k]:' so may it be affirmed of this famous prelate, that he gave a greater blow unto the enemies of the Church and the King, at the hour of his death, than he had given them in his whole life before. But this you will more clearly see by the Speech itself, which followeth here according to the best and most perfect copy, delivered by his own hands unto one of his chaplains, and in his name presented to the King by the Lord John Bellasis[l], at the court in Oxon.

[h] [Lloyd (Memoirs, p. 250) states that "his face was so ruddy, that they thought he had painted it, until they saw it turn as pale as ashes instantly after the blow."]

[i] 1 Pet. ii. 23.

[k] Judges xvi. 30.

[l] [John Belasyse, second son of Thomas first Viscount Fauconberg, created Baron Belasyse of Worlaby, January 27, 1644. He had been one of the first who joined the King at Nottingham. A mention of his doings during the civil war may be found in Clarendon.]

THE SPEECH *of the* LORD ARCHBISHOP OF CANTERBURY, [a] *spoken at his Death, upon the Scaffold on the Tower-hill, Jan.* 10. 1644.

GOOD PEOPLE.

THIS is an memorable time to preach; yet I shall begin with a text of Scripture, Heb. xii. 2,—'Let us run with patience the race which is set before us, looking unto Jesus, the Author and Finisher of our faith; who for the joy that was set before Him, endured the cross, despising the shame, and is set down at the right hand of the throne of God.'

I have been long in my race, and how I have 'looked to' [1] Jesus, the Author and Finisher of my faith,' He best knows. I am now come to the end of my race, and here I find the 'cross'—a death of shame. But the shame must be despised, or no coming to the right hand of God. Jesus despised the shame for me, and God forbid but that I should [2] despise the shame for Him. I am going apace, as you see, towards the Red Sea, and my feet are now upon [3] the very brink of it; an argument, I hope, that God is bringing me into the Land of Promise: for that was the way through which He led His people. But before they came to it, He instituted a passover for them [b], a lamb it was, but it must be 'eaten with sour herbs.' I shall obey, and labour to digest the sour herbs as well as the lamb. And I shall remember it is the Lord's passover: I shall not think of the herbs, nor be angry with the hand that gathereth [4] them, but look up only unto [5] Him who instituted that, and governs these. For men 'can have no more power over me, than what is given them from above [c].'

[1] ['unto'] [2] ['forbid that I should not'] [3] ['are upon'] [4] ['gathered'] [5] ['to']

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[a] [This Speech was also published at Oxford in 1667, at the end of the Archbishop's Summary of Devotions, 'according to the original written with his own hand, and delivered by him upon the scaffold on Tower-hill, Jan. 10. 1644. to his Chaplain, Dr. Sterne, now Lord Archbishop of York.' The various readings of this edition are inserted in the notes within brackets.]

[b] Exod. xii. 13.

[c] John xix. 11.

I am not in love with this passage through the Red Sea, for I have the weakness and infirmities[1] of flesh and blood plentifully in me; and I have prayed with my Saviour, *Ut transiret calix iste*—that this cup of red wine might pass from me[d]; but if not, God's will, not mine, be done. And I shall most willingly drink of this cup, as deep as He pleases, and enter into this sea; yea, and pass through it in the way that He shall lead me.

But I would have it remembered, good people, that when God's servants were in this boisterous sea, and Aaron amongst them, the Egyptians which persecuted them, and did in a manner drive them into the[2] sea, were drowned in the same waters, while they were in pursuit of them. I know my God, 'whom I serve[e],' is as able to deliver me from the sea[f] of blood as He was to deliver the three children from the furnace; and, (I humbly thank my Saviour for it,) my resolution is now as theirs was then[3]: they would 'not worship the image the[4] king had set up,' nor will I the imaginations which the people are setting up; nor will I forsake the temple and the truth of God, to follow the bleating of Jeroboam's calves in Dan and Bethel. And as for this
8 people, they are at this day miserably misled, (God of His mercy open their eyes, that they may see the right way;) for at this day 'the blind lead the blind,' and if they go on, 'both will certainly fall into the ditch[g].' For myself, I am (and I acknowledge it in all humility) a most grievous sinner many ways, by thought, word, and deed. I cannot doubt but God[5] hath mercy in store for me, a poor penitent, as well as for other sinners. I have now, and upon this sad occasion, ransacked every corner of my heart; and yet, I thank God, I have not found (among the many) any one sin, which deserves death by any known law of this kingdom. And yet hereby I charge nothing upon my judges; for if they proceed upon proof, by valuable witnesses, I or any other innocent may be justly condemned. And, I thank God, though the weight of my sentence be[6] heavy upon me,

[1] ['infirmity'] [2] ['that'] [3] ['is as theirs was']
[4] ['which the'] [5] ['And yet I cannot doubt but that God'] [6] ['lie']

[d] Luke xxii. 42.
[e] Dan. iii.
[f] 'this sea' Hind's copy, [and Oxf. 1667.]
[g] Luke vi. 39.

I am as quiet within, as ever I was in my life. And though I am not only the first Archbishop, but the first man that ever died by an ordinance in Parliament[h], yet some of my predecessors have gone this way, though not by this means. For Elphegus was hurried away, and lost his head by the Danes; and Simon Sudbury, in the fury of Wat Tyler and his fellows. Before these, St. John Baptist had his head danced off by a lewd woman; and St. Cyprian, Archbishop of Carthage, submitted his head to a persecuting sword. Many examples, (great and good,) and they teach me patience; for I hope my cause in heaven will look of another dye than the colour that is put upon it here. And some comfort it is to me, not only that I go the way of these great men in their several generations, but also that my charge, as foul as it is made, looks like that of the Jews against St. Paul, Acts xxv. 8; for he was accused for the law and the temple, *i.e.* religion; and like that of S. Stephen, Acts vi. 14, for breaking the ordinances which Moses gave, *i.e.* law and religion, the holy place and the temple (verse 13). But you will then say, Do I then compare myself with the integrity of St. Paul and St. Stephen? No; far be that from me. I only raise a comfort to myself, that these great saints and servants of God were laid at in their time, as I am now. And it is memorable, that St. Paul, who helped on this accusation against St. Stephen, did after fall under the very same himself. Yea; but here is a great clamour, that I would have brought in Popery. I shall answer that more fully by-and-by. In the meantime, you know what the Pharisees said against Christ Himself: 'If we let Him alone, all men will believe in Him, *et venient Romani*, and the Romans will come, and take away both our place and nation[i].' Here was a causeless cry against Christ that the Romans would come. And see how just the judgment[1] was: they crucified Christ for fear lest the Romans should come, and His death was it which brought in the Romans upon them, God punishing them with that which they most feared. And I pray God this clamour of *venient Romani*, (of which I have given no cause) help not to bring them in. For the

[1] ['judgment of God']

[h] 'in this way,' Hind's copy.

[i] John xi. 48.

Pope never had such an harvest in England since the Reformation, as he hath now upon the sects and divisions that are amongst us. In the meantime, 'by honour and dishonour, by good report and evil report, as deceivers and yet true,' am I passing through this world, 2 Cor. vi. 8. Some particulars also I think it not amiss to speak of.

9 And, first, this I shall be bold to speak of the King our gracious sovereign. He hath been much traduced also for bringing in of Popery; but in[1] my conscience (of which I shall give God a very present[2] account) I know him to be as free from this charge as any man living; and I hold him to be as sound a Protestant (according to the religion by law established) as any man in this[3] kingdom; and that he will venture his life as far and as freely for it. And I think I do or should know both his affection to religion and his grounds for it, as fully as any man in England.

The second particular is concerning this great and populous city (which God bless). Here hath been of late a fashion taken up to gather hands, and then go to the great court of this kingdom, the Parliament, and clamour for justice; as if that great and wise court, before whom the causes come, (which are unknown to many[4],) could not, or would not, do justice but at their appointment. A way which may endanger many an innocent man, and pluck his blood upon their own heads, and perhaps upon the city's also. And this hath been lately practised against myself, the magistrates standing still, and suffering them openly to proceed from parish to parish, without any check[5]. God forgive the setters of this, (with all my heart I beg it;) but many well-meaning people are caught by it. In St. Stephen's case, when nothing else would serve, they 'stirred up the people against him[j].' And Herod went the same way when he had killed St. James: yet[6] he would not venture on[7] St. Peter till he found how the other 'pleased the people[k].' But take heed of having your 'hands full of blood[l];' for there is a time (best known to Himself) when God, above other sins, makes inquisition for blood; and when that inquisition is on foot, the Psalmist

[1] ['on'] [2] ['a present'] [3] ['his'] [4] ['the many'] [5] ['without check.']
[6] ['the same way: when he had killed S. James, yet] [7] ['upon']

[j] Acts vi. 12. [k] Acts xii. 3. [l] Esa. i. 15.

tells us, 'that God remembers,' (that 's[1] not all,) 'He remembers and forgets not the complaint of the poor[m]:' that is, whose blood is shed by oppression, verse 9. Take heed of this: 'It is a fearful thing to fall into the hands of the living God[n];' but then especially when He is 'making inquisition for blood.' And (with my prayers to avert it) I do heartily desire this city to remember the prophecy that is expressed, Jer. xxvi. 15.

The third particular is the poor Church of England. It hath flourished, and been a shelter to other neighbouring Churches, when storms have driven upon them. But, alas! now it is in a storm itself, and God only knows whether, or how it shall get out. And (which is worse than the storm from without) it is become like an oak cleft to shivers with wedges made out of its own body; and at every cleft, profaneness and irreligion is entering in, while (as Prosper speaks in his second book, *De Contemptu Vitæ*, cap. 4) 'men that introduce profaneness are cloaked over with the name, *religionis imaginariæ*—of imaginary religion.' For we have lost the substance, and dwell too much in opinion; and that Church, which all the Jesuits' machinations could not ruin, is fallen into danger by her own.

The last particular (for I am not willing to be too long) is myself. I was born and baptized in the bosom of the Church of England established by law; in that profession I have ever since lived, and in that I come now to die. This is no time to dissemble with God, least of all in matters of religion: and therefore I desire it may be remembered, I have always lived in the Protestant religion established in England, and in that I come now to die. What clamours and slanders I have endured for labouring to keep an uniformity in the external service of God, according to the doctrine and discipline of the[2] Church, all men know, and I have abundantly felt.

Now at last I am accused of high treason in Parliament, a crime which my soul ever abhorred. This treason was charged to consist of two parts, 'an endeavour to subvert

[1] ['but that 's]

[2] ['this']

[m] Psal. ix. 12.

[n] Heb. x. 31.

the laws of the land,' and a like 'endeavour to overthrow the true Protestant religion established by law.' Besides my answers to the several charges, I protested my innocency in both Houses. It was said, 'Prisoners' protestations at the bar must not be taken.' I can bring no witness of my heart, and the intentions thereof; therefore I must come to my protestation, not at the bar; but my protestation at this hour and instant of my death; in which I hope all men will be such charitable Christians, as not to think I would die and dissemble, being instantly to give God an account for the truth of it[1]. I do therefore here in the presence of God and His holy angels take it upon my death, that I never endeavoured the subversion of[2] law or religion: and I desire you all to remember this protest of mine for my innocency in this, and from all treasons whatsoever. I have been accused likewise as an enemy to Parliaments. No; I understand them, and the benefit that comes by them, too well to be so. But I did mislike[3] the misgovernments of some Parliaments, many ways, and I had good reason for it. For, *Corruptio optimi est pessima*—there is no corruption in the world so bad as that which is of the best thing within itself; for the better the thing is in nature, the worse it is corrupted[4]. And that being the highest court, over which no other hath jurisdiction, when it is misinformed or misgoverned, the subject is left without all remedy. But I have done. I forgive all the world, all and every of those bitter enemies which have persecuted me; and humbly desire to be forgiven, of God first, and then of every man, whether I have offended him or not; if he do but conceive that I have. Lord, do Thou forgive me, and I beg forgiveness of him[5]. And so I heartily desire you to join in prayer with me.

Which said, with a distinct and audible voice he prayed as followeth[6]:—

O eternal God and merciful Father, look down upon me in mercy, in the riches and fulness of all Thy mercies look

[1] [Instead of this sentence from 'I can bring' the Oxford edition reads, 'I must therefore come now to it upon my death, being instantly to give God an account for the truth of it.'] [2] ['either of'] [3] ['dislike']
[4] [This clause from 'there is no corruption' not in Oxford edition.]
[5] [This clause from 'whether I have offended him' not in Oxford edit.]
[6] [This sentence not in Oxford edition.]

down upon me: but [1] not till Thou hast nailed my sins to the cross of Christ; not till Thou hast bathed me in the blood of Christ; not till I have hid myself in the wounds of Christ; that so the punishment due unto my sins may pass over me. And since Thou art pleased to try me to the utmost [2], I humbly [3] beseech Thee, give me now in this great instant full patience, proportionable comfort, and a heart ready to die for Thine honour, the King's happiness, and the [4] Church's preservation. And my zeal to this [5] (far from arrogancy be it spoken) is all the sin (human frailty excepted, and all the incidents thereunto [6]) which is yet known to me in this particular for which I now come [7] to suffer: I say, in this particular of treason. But otherwise my sins are many and great: Lord, pardon them all, and those especially, whatever they are, which have drawn down this present judgment upon me. And when Thou hast given me strength to bear it, do with me as seems best in Thine own eyes; and carry me through death, that I may look upon it, in what visage soever it shall appear to me [8]. Amen. And that there may be a stop of this issue of blood in this more than miserable kingdom, (I shall desire that I may pray for the people too, as well as for myself [9]:) O Lord, I beseech Thee, give grace of repentance to all blood-thirsty people; but if they will not repent, O Lord, confound all their devices, defeat and frustrate all their designs and endeavours upon them, which are or shall be contrary to the glory of Thy great name, the truth and sincerity of religion, the establishment of the King and his posterity after him in their just rights and privileges, the honour and conservation of Parliaments in their just power, the preservation of this poor Church in her truth, peace, and patrimony, and the settlement of this distracted and distressed people under their ancient laws, and in their native liberty [10]. And when Thou hast done all this in mere mercy to [11] them, O Lord, fill their hearts with thankfulness, and with religious dutiful obedience to Thee and Thy com-

[1] [mercies. Look upon me, but]
[2] [uttermost,]
[3] [most humbly]
[4] [this]
[5] [these]
[6] ['all incidents thereto']
[7] ['come now']
[8] ['and carry me .... to me.' not in Oxford edition.]
[9] ['I shall .... myself:' not in Oxford edition.]
[10] ['liberties.']
[11] ['for']

mandments, all their days. Amen[1], Lord Jesu, Amen. And receive my soul into Thy bosom, Amen.

Our Father which art in heaven, &c.

The speech and prayer being ended, he gave the paper which he read into the hands of Stern his chaplain, permitted to attend him in his last extremity: whom he desired to communicate it to his other chaplains, that they might see in what manner he left this world; and so prayed God to show His blessings and mercies on them. And taking notice that one Hind had employed himself in writing the words of his speech as it came from his mouth, he desired him not to do him wrong in publishing a false or imperfect copy[o]. This done, he next applied himself to the fatal block, as to the haven of his rest. But finding the way full of people, who had placed themselves upon the theatre to behold the tragedy, he desired he might have room to die, beseeching them to let him have an end of his miseries which he had endured very long. All which he did with so serene and calm a mind, as if he rather had been taking order for a nobleman's funeral, than making way for his own. Being come near the block, he put off his doublet, and used some words to this effect, 'God's will be done; I am willing to go out of this world, none can be more willing to send me.' And seeing through the chinks of the boards, that some people were got under the scaffold about the very place where the block was seated, he called to the officer for some dust to stop them, or to remove the people thence, saying, It was no part of his desires that his blood should fall upon the heads of the people. Never did man put off mortality with a better courage, nor look upon his bloody and malicious enemies with more Christian charity. And thus far he was on his way toward Paradise, with such a primitive magnanimity, as equalled, if not exceeded, the example of the ancient martyrs, when he was somewhat interrupted by one of those who had placed himself on the scaffold, not otherwise worthy to be named, but as a firebrand brought from Ireland to

[1] ['So, Amen,']

[o] [Rushworth gives this conversation with Hind at greater length.]

inflame this kingdom[p]: who, finding that the mockings and revilings of malicious people had no power to move him, or sharpen him into any discontent or show of passion, would needs put in and try what he could do with his sponge and vinegar; and stepping to him near the block, he would needs propound unto him some impertinent questions, not so much out of a desire to learn anything of him, but with the same purpose as was found in the Scribes and Pharisees in propounding questions to our Saviour; that is to say, either to intrap him in his answers, or otherwise, to expose him to some disadvantage with the standers by. Two of the questions he made answer to, with all Christian meekness. The first question was, 'What was the comfortablest saying which a dying man would have in his mouth?' To which he meekly made answer, *Cupio dissolvi et esse cum Christo.* Being asked again, 'What was the fittest speech a man could use to express his confidence and assurance?' He answered with the same spirit of meekness, 'that such assurance was to be found within, and that no words were able to express it rightly.' But this not satisfying this busy man, (who aimed at something else, as is probable, than such satisfaction,) unless he gave some word or place of Scripture, whereupon such assurance might be truly founded; he used some words to this effect, 'that it was the Word of God concerning Christ, and His dying for us.' But then finding that there was like to be no end of the troublesome gentleman, he turned away from him, applying himself directly to the executioner, as the gentler and discreeter person. Putting some money into his hand, he said unto him, without the least distemper or change of countenance, 'Here, honest friend, God forgive thee, and I do; and do thy office upon me with mercy.' And having given him a sign when the blow should come, he kneeled down upon his knees, and prayed as followeth; viz.—

Lord, I am coming as fast as I can; I know I must pass through the shadow of death, before I can come to see Thee;

[p] Sir John Clotworthy. [He was M.P. for Maldon in Essex, and one of the eleven members impeached by the army, June 16, 1647. (Wood, Ath. Ox. iii. 142.)]

but it is but *umbra mortis*, a mere shadow of death, a little darkness upon nature; but Thou by Thy merits and passion hast broke through the jaws of death. [q] The Lord receive my soul, and have mercy upon me, and bless this kingdom with peace and plenty, and with brotherly love and charity, that there may not be this effusion of Christian blood amongst them, for Jesus Christ His sake, if it be Thy will.

Then laying his head upon the block, and praying silently to himself, he said aloud, 'Lord, receive my soul;' which was the signal given to the executioner; who very dexterously did his office, and took off his head at a blow, his soul ascending on the wings of angels into Abraham's bosom, and leaving his body on the scaffold to the care of men. . . . And if the bodies of us men be capable of any happiness in the grave, he had as great a share therein as he could desire, his 3 body being accompanied to the earth with great multitudes of people, whom love, or curiosity, or remorse of conscience, had drawn together purposely to perform that office, and decently interred in the Church of All-hallows Barking, (a church of his own patronage and jurisdiction,) according to the rites and ceremonies of the Church of England. In which it may be noted as a thing remarkable, that being, whilst he lived, the greatest champion of the Common Prayer-Book here by law established, he had the honour, being dead, to be buried by the form therein prescribed, after it had been long disused, and almost reprobated in most churches of London.

Hitherto Dr. Heylin.

The same day that the House of Lords passed the Ordinance of Attainder against the Archbishop of Canterbury, (viz. Jan. 4,) they likewise passed an ordinance, that the Book of Common Prayer should be laid aside, and for establishing the Directory for Public Worship, which had been framed by the Assembly of Divines. Rushworth, par. iii. vol. ii. pag. 839.

[q] 'So, Lord,' Hind's copy, [and Oxford 1667.]

H. W.—On the Archbishop's coffin was nailed a little brass plate, with his arms, and this inscription engraven thereon:

In hac cistulâ conduntur exuviæ Gulielmi Laud, Archiepiscopi Cantuariensis; qui securi percussus, immortalitatem adiit die X. Januarii, ætatis suæ LXXII., Archiepiscopatûs XII.[r]

In the year 1663 his body was removed from All-Hallows Church in London[s], and, being carried to Oxford, was there solemnly deposited, July 24, in a little brick vault, near to the altar of the chapel in St. John Baptist's College.

[r] [On the wall of St. John's College Chapel there is a longer inscription on a brass plate, which was put up by his faithful Secretary, William Dell. It is printed in Wood's History of Colleges and Halls, p. 556.]

[s] [The account of the removal of the Archbishop's body to Oxford, is thus given in a MS. in Anthony Wood's writing, in the Ashmolean Museum, D. xix. 104. fol. 16:—

"After the restoration of K. Charles II., the President and Fellows of St. John's College, Oxon. consulting to have his body removed to the College, because he had been so great a benefactor, resolved on the business, after the sepulture there of Archb. Juxon, and that with convenience and privacy. The day then, or rather night, being appointed wherein he should come to Oxon. most of the Fellows, about sixteen or twenty in number, went to meet him towards Wheatley, and after they had met him, about 7 of the clock on Friday, July 24, 1663, they came to Oxon. at 10 at night, with the said number before him, and his corpse lying in a horse litter on four wheels, drawn by four horses, following, and a coach after that.

"In the same manner they went up to St. Mary's Church, then up Cat's Street, then to the back door of St. John's Grove, where, taking his coffin out, conveyed [it] to the chapel; when Mr. Gisbey, Fellow of that house, and Vice-president, had spoke a speech, they laid him, inclosed in a wooden coffin, in a little vault at the upper end of the chancel, between the founder's and Archbishop Juxon's. The next day following they hung up seven streamers." (Wood, Ath. Ox. iii. 143, 144.)

George Gisbey, here mentioned, was Moral Philosophy Lecturer in the University from July 13, 1638, to April 3, 1643. He was appointed Prebendary of Buckden, in the Church of Lincoln, Nov. 9, 1649, but not installed till Oct. 2, 1660. He died May 13, 1664. (Wood's Annals, book ii. p. 873. Ed. Gutch.) An account of his ejection from his Fellowship by the Parliamentary Visitors, is given by Wood, (ibid. par. i. p. 590.)]

THE ARCHBISHOP'S

LAST WILL AND TESTAMENT[a].

JANUA. 13, 164⅜. IN DEI NOMINE, AMEN. I WILLIAM LAUD, by God's great mercy and goodness, Lord Archbishop of Canterbury, being in perfect health, though at this time a prisoner in the Tower of London, God knows for what, in due and serious consideration of human frailty, do hereby make, ordain, and declare this my last will and testament, in manner and form following.

And first, in all humility and devotion of a contrite heart, I heartily beg of God pardon and remission of all my sins, for and through the merit and mediation of my alone Saviour Jesus Christ. And though I have been a most prodigal son; yet my hope is in Christ, that for His sake, God, my most merciful Creator, will not cast off the bowels and compassion of a father. Amen, Lord Jesu. In this hope and confidence, I render up my soul with comfort, in the mercies of God the Father, through the merits of God the Son, in the love of God the Holy Ghost: and I humbly pray that most blessed and glorious Trinity, One God, to prepare me for and preserve me in that hour of my dissolution, and to make me wait every moment when my changing shall come, and in my change, to receive me to that rest which He prepared for all them that love and fear His name. So, Amen: Lord Jesu, Amen.

Whomsoever I have in the least degree offended, I heartily ask God and him forgiveness. And whosoever have offended

[a] [Wharton's edition is here departed from, inasmuch as this Will is printed from the copy in "Original Letters, &c., relating to the Benefactions of William Laud, Archbishop of Canterbury, to the County of Berks, by John Bruce, Esq. Lond. 1841." This copy was taken from the original in the Prerogative Office, and, as Mr. Bruce explains, is the entire document, of which Wharton printed only an abridgement. The only alteration made in this reprint is that the spelling is modernized.]

me, I pray God forgive them, and I do. And I hope and pray, that God will forgive me my many great and grievous transgressions against Him. Amen.

For my faith; I die as I have lived, in the true orthodox profession of the Catholic faith of Christ, foreshowed by the Prophets, and preached to the world by Christ Himself, His blessed Apostles and their successors; and a true member of His Catholic Church, within the communion of a living part thereof, the present Church of England, as it stands established by law.

Secondly, I leave my body to the earth, whence it was taken, in full assurance of the resurrection of it from the grave at the last day. This resurrection I constantly believe my dear Saviour Jesus Christ will make happy unto me, His poor and weary servant. And for my burial, though I stand not much upon the place, yet if it conveniently may be, I desire to be buried in the Chapel of St. John Baptist College, in Oxford, under the altar or communion-table there. And should I be so unhappy as to die a prisoner; yet my earnest desire is, I may not be buried in the Tower. But wheresoever my burial shall be, I will have it private, that it may not waste any of the poor means which I leave behind me to better uses.

Thirdly, for my worldly estate, I will that my debts be 45
presently paid, which at this time I praise God are very small.

Then for St. Paul's Church, it grieves me to see it at such a stand; and though I have, besides my pains, given largely towards it and the repairs thereof; yet I leave it a blessing of 800*l.*, which will be truly paid in for that work, if ever it go on, while the party trusted with it lives. But my executors are not charged with this; 'tis in safe, but other hands.

Item, I take the boldness to give to my dear and dread sovereign, King Charles (whom God bless), 1,000*l.*, and I do forgive him the debt which he owes me, being 2,000*l.*, and require that the two tallies for it be delivered up.

Item, I give to St. John Baptist's College, in Oxford, where I was bred, all my chapel plate, gilt or parcel-gilt; all my chapel furniture; all such books as I have in my study at the time of my death, which they have not in their library; and 500*l.* in money, to be laid out upon land. And I will, that the

rent of it shall be equally divided to every Fellow and Scholar alike, upon the 7th day of October, every fourth year. Something else I have done for them already, according to my ability [b]: and God's everlasting blessing be upon that place and that society for ever.

I give to the Right Honourable Katherine, Lady Duchess of Buckingham [c], her Grace, 100*l.*

I give to the Right Honourable George, Lord Duke of Buckingham, his Grace, my chalice and patens of gold; and these I desire the young Duke to accept, and use in his chapel, as the memorial of him who had a faithful heart to love, and the honour to be beloved of his father. So God bless him with wise and good counsels, and a heart to follow them.

I give to the Right Honourable Mary, Lady Duchess of Richmond [d], daughter to my most honourable friend, George, Lord Duke of Buckingham, my cup of gold with a cover to it.

I give to my much honoured friend, William, Lord Marquis of Newcastle [e], my best diamond ring, worth 140*l.*, or near it.

By father and mother, I never had brother or sister; but by my mother many; they were all ancient to me, and are dead; but I give to their children as follows:—

To Henry Robinson [f], son to my brother, Dr. Robinson [g], 200*l.*

To his brother, John Robinson [h], 200*l.*

To his brother, Thomas Robinson, 200*l.*

To their sister Elizabeth, wife to Dr. Baylie [i], 100*l.*

And to their sister Lucie, 100*l.* [j]

To Dr. Cotsford [k], son of my sister Amye, 100*l.*

[b] [In the erection of new buildings, especially the inner library, and the gift of many books and MSS.]

[c] [She married as her second husband Randal Macdonnell, Earl of Antrim.]

[d] [Mary Villiers. She married, first, Lord Charles Herbert, and secondly, the Duke of Richmond and Lennox. (See Works, vol. iii. pp. 222, 229.)]

[e] [William Cavendish. (See Works, vol. iii. p. 150.)]

[f] [Rector of Long Whatton, March 10, 1637. (Rymer, Fœd. IX. ii. 142.) Instituted March 14. (Reg. Laud, par. ii. fol. 12 b.)]

[g] [Dr. William Robinson. (See Works, vol. iii. p. 154.)]

[h] [Created a baronet in 1661, and Lt.-Governor of the Tower. His present representative is the Rev. George S. Robinson, of Cranford, Northamptonshire.]

[i] [See Works, vol. iii. p. 184.]

[j] [Dr. Robinson had two other children besides those here mentioned, William, his second son, and Sarah, his second daughter. See Harl. MS. 1080. fol. 130 b. where the pedigree of the family is given.]

[k] [Robert Cottesford, Prebendary of

To Dr. Edward Layfeild[l], son of my sister Bridget[m], 100*l.*, having already provided well for both of them, as also for some other above named.

To Elizabeth Holt, daughter of my sister Bennett, 50*l.*; and I had given her as much before, besides yearly allowance.

To William Bole, son of my sister Elizabeth, 50*l.*; and I forgive him the debt which he owes me.

To , daughter to my sister Bridgett, and now wife to Mr. Snow, 50*l.*

Item, I give to them which have been my chaplains in house, as followeth:—

To Dr. Thomas Turner[n], my ring with a diamond, and the garter about it.

To Dr. Thomas Walker[o], my ring with a sapphire in it.

To Dr. Ed. Martin[p], my ring with a hyacinth in it.

To Dr. William Haywood[q], my ring with an emerald, being my seal ring, with the arms of my see joined to my own.

To Dr. John Oliver[r], one of my watches.

To Mr. John Alsope[s], the other of my watches.

To Mr. George Wilde[t], my ring with a toadstone in it.

To Mr. Thomas Maye[u], my ancient friend, my ring with an emerald, in which only my arms are cut.

Item, I give to the poor of several places to which I have, or formerly have had reference, as namely:—

To the poor of Magdalen parish, in Oxford, 5*l.*

Hoxton, and Rector of Hadley and Monk's Eleigh. See an account of his sufferings in Walker's Sufferings, par. ii. p. 51.]

[l] [Archdeacon of Essex, Prebendary of Harleston, Rector of Chiddingfold, and Vicar of All Hallows Barking. Walker gives a detailed account of the charges brought against him, and of the sufferings he underwent. Besides the above preferments mentioned by Walker, there is recorded in Laud's Register (fol. 307 a) his collation to Wrotham, Nov. 8, 1638. He survived all his troubles, and died in 1680.]

[m] [Her husband was Edmund Layfield. See Works, vol. iii. p. 143.]

[n] [See above, p. 270.]

[o] [Master of University College, and Prebendary of Litton in the church of Wells.]

[p] [See above, p. 290.]

[q] [See above, p. 286, and vol. v. p. 167.]

[r] [Prebendary of Winchester. He was elected President of Magdalen College, Oxford, in April, 1644: after the Restoration, he was Dean of Worcester (Wood, F. O. i. 509).]

[s] [John Alsop was appointed Rector of Fordham, Feb. 17, 163¾. (Rymer, Fœd. VIII. iv. 65.)]

[t] [Vicar of St. Giles, Reading, and Rector of Biddenden in Kent. During the Rebellion, he kept up the Church-service in a room in Fleet Street, and was consecrated, Jan. 27, 166¾, Bishop of Londonderry (Wood, Ath. Ox. iii. 720).]

[u] [Son of Richard May, and brother of Joan May, who married Sir Wm. Herrick. His mother founded the divinity lectureship which Laud held in St. John's College.]

To the poor of the parish of Saint Giles there, 5*l.*

To the poor of Stanford, in Northamptonshire, near Lutterworth, 5*l.*

To the poor of North Kilworth, in Leicestershire, 5*l.*

——— of Ibstoke, in Leicestershire, 5*l.*

——— of Kuckston, in Kent, 5*l.*

——— of Norton, in Kent, 5*l.*

——— of West Tilbury, in Essex, 5*l.*

——— of Creeke, in Northamptonshire, 5*l.*

——— of Huntingdon, 5*l.*

——— of Lincoln, 5*l.*

——— of Carmarthen, 5*l.*

——— of Aberguilley, 5*l.*

——— of Brecknock, 5*l.*

——— of Wells, 10*l.*

——— of Fulham, 5*l.*

——— of Canterbury, 10*l.*

——— of Lambeth, 10*l.*
——— of Croydon, 10*l.*
} Besides what I have given to these two places already in perpetuity[x].

To the University of Oxford, where I was bred, and to the town of Reading, where I was born, I have given already in perpetuity, as God hath made me able[y].

Item, I give to so many of my servants as did continue my servants to the time that the storm fell upon me, as followeth; but to no other but such as I now name, having done otherwise very well by many of them:—

To Mr. William Sherman, 20*l.*

To Mr. Walter Dobson, 20*l.*

To Mr. Wi. Dell, 20*l.*

To Mr. Benjamin Holford, 20*l.*

To Mr. Symon Rolleston, 50*l.*

To Mr. George Snath, 50*l.*

[x] [In 1636, the Archbishop gave 300*l.* to Croydon, the proceeds of which sum are still applied to the apprenticing of poor children. There is no record of any benefaction to Lambeth in the report of the Charity Commissioners.]

[y] [The Archbishop here refers to his numerous gifts of MSS. to the University of Oxford, and to his endowment of the Arabic Professorship. An Abstract of his Deed of Gift to the Corporation of Reading, his correspondence on the subject, and an account of the present state of the Charity, are to be found in Mr. Bruce's interesting volume, mentioned above. The Archbishop's letters which are there given, will be printed in vol. vi.]

To Mr. James Southes, 50*l.*

To Mr. Henry Joyner. 40*l.*

To Mr. Thomas Smith, 40*l.*

To Francis Lee, 20*l.*

To John Holden, 10*l.*

To Philip Clarke, 5*l.*

To Giles King, 5*l.*

To Nicholas Tasker, 10*l.*

To Ralph Merrifield, 40*l.*, besides what I have already done for his uncle's sake.

To John Sturt, 5*l.*

To Mr. Ralph Watts, 10*l.*

To Thomas Sadler, 10*l.* To John Howell, 10*l.* To Richard Cressall, 10*l.* To John Flud, my chamber-keeper, 5*l.* To Thomas Lambert, 5*l.* To Ed. Nutt, 5*l.* To Christopher Hunt, 5*l.* To Walter Morris, 5*l.*

To William Harman, 40*l.*

To Mr. John Cobb, 50*l.*, my organ that is at Croydon, my harp, my chest of viols, and the harpsico in the parlour at Lambeth.

And my will is, that all these my legacies be paid to the several legatees within the space of one year after my death, if the times grow quiet, and fit for such payment in my name, or else so soon as they shall be so.

The remainder of my estate, above that which is given or shall be added in this my will, I charge my executor (as he will answer me at the bar of Christ) that he lay it out upon land, as far as it will go; and then settle it by some sure course in 45
law to such uses, and under the same conditions, as I have settled my land at Bray, upon the town of Reading. And if my means will reach so far, I will that 50*l.* a-year be settled upon the town of Ockingham, and 50*l.* a-year upon Henley upon Thames, and 50*l.* a-year upon Wallingford, and 50*l.* upon Windsor, to the uses aforesaid for ever[1]. If it rise to less,

[1] [Mr. Bruce states (Abp. Laud's Berkshire Benefactions, pp. 46, 47) that on the 2d of September, 1672, in consequence of certain proceedings in the Court of Chancery, certain fee-farm rents were transferred to Nathaniel (Crew), Bishop of Oxford, and other trustees, to pay the four several sums of 50*l.* to each of these towns, according to the provisions of the Archbishop's will; and also that on March 12, 1706, Gilbert Burnet, Bishop of Salisbury, and seventeen other persons, were appointed trustees in lieu of those originally named. He adds that in each of these towns the

I will that there be a proportionable and even abatement to all these places; but if it purchase more, (as it must needs if I be justly dealt with,) whatsoever is above this 200*l.* a-year, I will shall be settled upon my kinsman, Doctor Richard Baylie, President of Saint John's College in Oxford, during his life, and on his son, William Baylie, and the heirs of his body lawfully begotten, for ever.

For my lease of Barton Farm, near Winchester, and held of the cathedral church there, which I purchased in the name of my servant, Mr. Richard Cobb, the rent whereof is 370*l.* per annum, I dispose of it as followeth :—

First, I give out of it, during the term of the lease, 50*l.* a-year to William Baylie above-named; secondly, 50*l.* a-year to my kinsman, John Walker, son to Dr. Thomas Walker; thirdly, 40*l.* a-year to the eldest son of Dr. Layfield, my kinsman[a], and 50*l.* a-year to the city of Winchester, to be employed in all things as the land which I gave to Reading is, saving that I will have this employed for the binding out of apprentices only.

Then I give out of the same lease 40*l.* a-year during that term to my servant, Mr. William Duckett, and 40*l.* a-year to my servant, Stephen Hall, in regard these two have endured a long imprisonment with me.

Item, I give out of the same lease 50*l.* a-year to Dr. Baylie aforesaid, and 50*l.* a-year to Mr. Richard Cobb above-named.

And if the Cathedral at Winchester be suffered to stand and enjoy its lands, I leave the power of renewing this lease to Dr. Richard Baylie, he paying to Mr. Richard Cobb 100*l.* for his pains taken for me in this purchase, and making good whatsoever I have given before out of this lease during the whole years of my purchase.

And whereas I have given, and do hereby give, two 40*l.* out of this lease yearly, during the term of it, to my servants, Mr. William Duckett and Mr. Stephen Hall, my will further is, that if either of them die within that term, or both, he or

Archbishop's charities are still in existence. Their value in each place may be learned by reference to the Report of the Charity Commissioners.]

[a] [Layfield had a son who was Prebendary of Winchester, and D.D. (Walker, Sufferings, p. 49.)]

they so dying shall have free power to dispose by his or their will as he or they please of the 40*l.* a-year respectively to each of them belonging during the time aforesaid.

Item. I give to my successor (if the present troubles in the state leave me any my organ in the chapel at Lambeth; provided that he leave it to the see for ever. Likewise, I give him my barge, and furniture to it. As for the pictures in the gallery at Lambeth, I leave them to succession; as well those I found there, as those which I have added. But in case the archbishopric be dissolved, as 'tis threatened, then I will that my executor add the organ, the barge, and such pictures as are mine, to my estate,—that is, if they escape plundering.

Item. I give to my servant, Mr. Richard Cobb, (besides that which I have already given him,) 50*l.*, if he deal truly with my estate. To my servant, Mr. John Goodwyn, 10*l.* To my servant, Mr. Ed. Sayer, 10*l.*

By this will I do revoke all former wills; and do charge my executor (as he will answer me before Christ) that he perform my will punctually in all particulars, which the rapine of the time shall not have plundered from him, or the violence of it overruled him.

Item, I give to my godson, William Wrenne[b], son of my worthy friend, the Lord Bishop of Ely, 100*l.*

Item, I do lay upon Dr. Baylie above-named the care of all my papers and paper-books, if they can scape the violence of the time. And I do give unto him two Vulgar Bibles in octavo, covered with vellum, and an English Bible in 4to, covered with murrey leather, in which are some brief notes upon the Liturgy; and a note-book in folio, covered with vellum, with the letter A upon it on both sides, in which is my catalogue of books in relation to my study, and my directory to almost all my other papers and books; all which papers and paper-books I give unto him also; but with this charge, that he burn all that he thinks not fit to use himself, that my weakness, whate'er it be, be not any man's scorn; and my diligence, I am sure, cannot be.

As for my sermons, I leave them likewise to Dr. Baylie's

[b] [The Bishop's fourth son. He was admitted M.A. of Oxford, Aug. 2, 1660. (Wood, F. O. ii. 227.)]

care: all that are fair written, and have this mark [Y] before them, I have revised; and yet I will not have any of them printed, unless they be perused either by Dr. Juxon, Lord Bishop of London, or Dr. Wrenn, Lord Bishop of Ely, or Dr. Steward[c], Dean of Saint Paul's, my reverend friends; nor yet then, unless the times will bear them.

And I do hereby name and appoint Doctor Richard Baylie, President of St. John Baptist's College in Oxford, my sole executor of this my last will and testament; and I do give him, besides what I have already given him, 200*l.* for his pains. But if Dr. Baylie shall not be living at the time of my death, or shall die before he make due probate of this my will, then I make executor of this my will my kinsman, Mr. John Robinson, of London, Merchant, and give him for his pains 200*l.* And in case he die before me, or before he make due probate of this my will, then I make Dr. Edward Layfeild my executor, and give him for his pains as before. And in case he die before me, or before he make due probate of this my will, then I make Dr. Thomas Walker, Master of University College in Oxford, my executor, and give him for his pains as before to Dr. Baylie; and whosoever of those four above-named lives to be my executor as is here appointed, I do hereby require the same care of him, both in respect of my estate and of my papers, which I have laid upon Dr. Baylie.

And my express will is, that whatsoever my estate amount unto, my executor shall have no more of it, than is particularly and by name given in this my Will.

And I do heartily pray my executor to take care, that my book written against Mr. Fisher the Jesuit, may be translated into Latin, and sent abroad; that the Christian world may see and judge of my religion. And I give unto him that translates it, for his pains, 100*l.*

[c] [Richard Steward, or Steuart, of All Souls College, Preb. of Worcester, 1628; of North Alton, in Church of Salisbury, March, 1629; Rector of Mildenhall, Wilts, Dec. 7, 1629; Dean of Chichester, 1634; Preb. of Westminster, 1638; Provost of Eton, Dec. 28, 1639; Preb. of St. Pancras, and Dean of St. Paul's, 1641; and Dean of Westminster, 1645. He was also Dean of the Chapel Royal, and Clerk of the Closet to the King, and Commissioner for Ecclesiastical affairs at the Treaty of Uxbridge. On the success of the Rebellion, he retired to Paris, where he died, Nov. 14, 1651. The King specially recommended him to his son Charles, as his instructor in Church matters. (Wood, Ath. Ox. iii. 295.)]

Item, I do hereby constitute and appoint my worthy friends, William Juxon, Lord Bishop of London, Walter Curle, Lord Bishop of Winchester[d], Matthew Wren, Lord Bishop of Ely, and Bryan Duppa, Lord Bishop of Sarum[e], overseers of this my last Will and Testament; and I do give them for their pains 10*l.* a-piece.

If my estate will reach it, I give blacks to my executor, my overseers, and those servants which attend me in my prison, and no other.

Thus I forgive all the world, and heartily desire forgiveness of God and the world. And so again commend and commit my soul into the hands of God the Father, who gave it, in the merits and mercies of my blessed Saviour Jesus Christ, who redeemed it, and in the grace and comfort of the Holy Ghost, who blessed it; and in the truth and unity of His holy Catholic Church, and in the communion of the Church of England, as it yet stands established by law.

I most willingly leave the world, being weary at my very heart of the vanities of it, and of my own sins, many and great, and of the grievous distractions of the Church of Christ almost in all parts of Christendom, and particularly in this kingdom; which distractions God in His good time make up, who well knows upon what many of them are grounded.

And in token that this is my last Will and Testament, I have subscribed my name to every page of it, and sealed it in the presence of those whose names are underwritten.

Ita Testor, W. CANT.

GEO. SNAITH.
STEPHEN HALL.
EDM. SAYER.
WILLIAM HARMAN.
RALPH MERRYFIELD.

[d] [Walter Curle was Dean of Lichfield. 1621; Bishop of Rochester, 1627; of Bath and Wells, 1629; and of Winchester, 1632. He held *in commendam*, the livings of Bemerton and Mildenhall, Wilts, till his election to Bath and Wells.]

[e] [Brian Duppa was appointed Dean of Ch. Ch. Oct. 24, 1628; Bishop of Chichester in 1638; and of Salisbury in 1641. He was translated to Winchester, Sept. 24, 1660. (Wood, Ath. Ox. iii. 541.)]

For the money to bear the charge of those legacies expressed in my Will, and other intendments, I have, for fear of the present storm, committed it to honest and, I trust in God, safe hands. And I doubt not but they will deliver the money in their several custodies to my executor, for the uses expressed; but I forbear to name them, lest the same storm should fall on them, which hath driven me out of all I have considerable in my own possession.

W. CANT.

This Will was proved by Dr. Richard Baylie, in the Prerogative Court of Canterbury, on the 8th January, 1661-2.

APPENDIX.

Several passages of Archbishop Laud's Conference with Fisher Jesuit, Edit. Londin. 1639, *Fol., referred to in the preceding History*[a].

I.

[See above, p. 59.] Page 211. [Works, vol. ii. pp. 234, 235.]

II.

[p. 160.] Page 171. [Ibid. p. 190.]

III.

[p. 204.] Page 278. [Ibid. pp. 310—312.]

IV.

[p. 284.] Page 292. [Ibid. p. 327.]

V.

[p. 335.] Page 376. [Ibid. p. 417.]

VI.

[p. 336.] Page 377. [Ibid. p. 417.]

VII.

[p. 336.] Page 320. [Ibid. p. 356.]

VIII.

[p. 338.] Page 128. [Ibid. p. 143.]

IX.

[p. 348.] Epist. Dedicat. circa med. [Ibid. pp. x, xi.]

[a] [These passages were printed by Wharton in full; but it has not been thought necessary to follow his example in the present uniform edition of the Archbishop's Works. References are given instead to the page o volume in which they occur. passages of the History these ar other extracts are intended to trate are noted in the margin.]

X.

A passage out of the Conference at Hampton Court, referred to in the preceding History. [See above, p. 268.]

Page 28.

Upon the first motion, concerning falling from grace, the Bishop of London took occasion to signify to his Majesty, how very many in these days, neglecting holiness of life, presumed too much of persisting of
32 grace, laying all their religion upon predestination, 'If I shall be saved, I shall be saved;' which he termed a desperate doctrine, showing it to be contrary to good divinity, and the true doctrine of predestination, wherein we should reason rather *ascendendo* than *descendendo;* thus,—I live in obedience to God, in love with my neighbour, I follow my vocation, &c., therefore I trust that God hath elected me, and predestinated me to salvation: not thus, which is the usual course of argument,—God hath predestinated and chosen me to life; therefore, though I sin never so grievously, yet I shall not be damned: for whom He once loveth He loveth to the end. Whereupon, he showed his Majesty out of the next Article what was the doctrine of the Church of England touching predestination, in the very last paragraph, *scil.* 'We must receive God's promises in such wise as they be generally set forth to us in Holy Scripture, and in our doings that the will of God is to be followed, which we have expressly declared unto us in the Word of God.' Which part of the Article his Majesty very well approved. And after he had, after his manner, very singularly discoursed on that place of Paul, 'Work out your salvation with fear and trembling[b],' he left it to be considered, whether anything were meet to be added, for the clearing of the Doctor his doubt, by putting in the word 'often,' or the like; as thus, 'We may often depart from grace.' But in the meantime wished that the doctrine of predestination might be very tenderly handled, and with great discretion; lest on the one side God's omnipotency might be called in question, by impeaching the doctrine of His eternal predestination; or, on the other side, a desperate presumption might be arreared, by inferring the necessary certainty of standing and persisting in grace.

XI.

A passage out of the Archbishop's Speech in Star-Chamber, at the Censure of Pryn, Burton, and Bastwick, referred to in the preceding History. [p. 277.]

Page 36.

The learned make but three religions to have been of old in the world, Paganism, Judaism, and Christianity; and now they have added a fourth, which is Turcism, and is an absurd mixture of the other three. Now, if this ground of theirs be true, (as 'tis generally received,) perhaps

[b] Phil. ii. 12.

it will be of dangerous consequence sadly to avow that the Popish religion is rebellion. That some opinions of theirs teach rebellion, that's apparently true; the other would be thought on; to say no more.

XII.

A passage out of the New Statutes of the Cathedral and Metropolitical Church of Christ in Canterbury, drawn by the Archbishop, and prescribed to that Church by the King, 1636.

Cap. 34, de Celebratione Divinorum. [See Works, vol. v. p. 536.]

XIII.

A passage out of Archbishop Parker's Antiquitates Britannicæ, concerning Prohibitions, referred to in the preceding History.

Pages 326, 327, [328,] edit. Londin. [1572.]

Jamque juris regni periti, ut sui commodi causa regia fora multitudine litium et infinitate replerent, plerasque causas et controversias ab archiepiscopali et episcopali audientia ad sua judicia vocabant; et ecclesiasticam jurisdictionem decimarum, matrimoniorum, et testamentorum atque ultimarum voluntatum, finibus et cancellis concludere volebant; in quibus etiam sæpe ejus potestatem prohibitionibus regiis coercebant et impediebant. Tum illa provisionum statuta et brevia de *Præmunire*, si prælati ac judices ecclesiastici digitum (ut aiunt) latum præscriptos a se jurisdictionis fines transilirent, multis minis vibrabant. Ea pœna prælatis valde terribilis fuit. Nam si a laicis judicibus rei pronuntiarentur, et bonis omnibus mulctandi et æternis carcerum tenebris involvendi erant. Hujus pœnæ atrocitate episcopi et prælati jurisdictione prædiți ita perplexi et perturbati sunt, ut, quia leguleiorum minantia tela vix vitare poterant, consilium sine mora ineundum putarunt, et Londini in synodo convenerunt. In ea supplicationem totius Anglicani cleri nomine conceptam Regi tradiderunt; in qua de laicis judicibus oppido semperque clericis infestis graviter conquesti sunt. Nullam esse causam dixerunt, cur pro Regis regnique incolumitate ac salute major fides consuetudinum quam legum peritis sibique ecclesiasticæ jurisdictionis prælatis haberetur. Se enim jure certo hærere ac insistere; illos arbitrio vagari, ac jura pro causis quotidianis quotidiana suo ære insculpere, eademque in causis eisdem figere, tollere ac refigere. Tum quod in aliis statutis quæ Parliamenti authoritate edantur (quo quidem jure nescitur) interpretationem sibi peculiariter arrogare, et leges condentium intentiones atque mentes (quæ sola lex omnibus humanis legibus imperitat) incertis motivis et decretis impudenter et imperite, quocunque vellent, deducere. Non esse autem aliam Regi causam, cur prælatorum fides sibi in dubium veniret, quam quod prioribus sæculis clerus a Rege defecit, et Romano Pontifici adhæsit. Nunc autem eadem ista lata jura, quæ prælatis ipsis in Parliamento contra Romanum Pontificem deprecantibus pro jure regio sancita sunt, in prælatos regni iniqua juridicorum

et leguleiorum calumnia censuraque torqueri. Id quod ex uno inani verbo, ab aliquo litigioso calumniatore perperam interpretato, perspici facile possit. Nam lex his disertis verbis sancita est: 'That if any purchase or pursue, or do to be purchased or pursued, in the Court of Rome, or elsewhere, any such translations, processes, and sentences of excommunications, bulls, instruments, or any other things, which touch the King, against him, his regality, or his realm, &c.[c]:' 'Si quis impetret aut persequatur, seu impetrari vel persequi procuret, in curia Romana, seu alibi, aliquas ejusmodi translationes, processus et sententias excommunicationum, bullas, instrumenta, vel aliam rem quamcunque, quæ Regem tangat, contra eum, ejus regalem dignitatem vel regnum.' Ex his verbis causidici, qui prælatos sanctionum periculis involvere vellent, cavillantur hac tam gravi pœna ecclesiasticos judices teneri, si quantulumcunque in jurisdictionem regiam commiserint, aut quovismodo titubaverint. Quo terrore proposito, perdifficilis et periculosa erit ecclesiasticæ jurisdictionis tam arctis coercitæ finibus tractatio. Quod eo est iniquius, quia statutum illud in prælatorum gratiam latum est. Cum enim indignissimi antea quique ad Papam promiscue confugissent, ab eoque nummis intervenientibus opulentissima beneficia et maximas dignitates ecclesiasticas impetrassent; nec prælati ea ambitione et cupiditate Romana impediti ecclesias, quarum essent patroni, libere conferre poterant, proscriptione sancitum est, ne Regis deinceps subditi ecclesiarum provisiones a Papa peterent, aut citationes, processus, excommunicationes, vel ecclesiasticas censuras a Papa Romæ, seu alibi, ratione hujusmodi provisionum decretas, interpositas, aut fulminatas, in Anglia vel alibi, contra Regem aut Regis subditos exequeretur, denunciaret, aut promulgaret. Quod verbum 'alibi' calumniosi leguleii malitiosa interpretatione convertunt in Prælatos; ejusque sensum esse callide fingunt, si de causa civili non modo Romæ, sed in ecclesiasticis foris et consistoriis, quæ Curias Christianitatis appellant, etiam in regno, lis forte interveniat. At longe alium fuisse illorum sensum, quorum consensu conditum tum statutum fuit, certum est, qui illud verbum, 'in curia Romana vel alibi,' interposuerunt. Quia Papa ipse sæpe ab urbe Romana, Lugduni, Pisis, Avinione, aliisque locis, Roma longe lateque disjunctis, abfuit, in quibus illa provisionum jura non minus quam Romæ usurpavit. Tum legatos Papæ eadem ipso Papæ nomine frequenter facere; quibus perinde illa saluberrima sanctione occurrendum fuit, quam his quæ Romæ fiunt. Itaque contra omnem juris et æquitatis rationem esse, ut quæ salubriter in prælatorum utilitatem constituta sunt, iniquissimis interpretantium cavillis in eorum perniciem torqueantur. Præterea quis existimare queat, tam insanos tum fuisse episcopos, ut tam duris et sævis, si modo ita accipiantur, in se legibus vellent consentire? Nam si causas forte civiles in suis foris tractent, pedemque in Regis jurisdictionem intulerint, an eadem pœna afficiendi censerentur, qua Papæ provisores? Etenim omni æquo et rationabili jure pœnam convenit esse delicto parem. Itaque si jurisdictionis sibi commissæ fines exeant, non ipso

[c] Anno 16 Rich. II. cap. 5.

jure tam graves pœnas incurrant; sed prohibitionibus coerceantur, quas si contempserint, vindicentur de contemptu. Legum enim pœnas verborum ambiguitate ad casus non expressos nullo jure referendas; sed si verbum ullum in condenda lege ambiguum interveniat, etiam si de condentium mente non appareat, tamen id in benigniorem significationem interpretatione deducendum. Ad extremum addiderunt, inique secum agi, quod laicorum judicum, qui, ut ecclesiastica jurisdictio penitus enervetur, et contemptui vulgo fiat, quidlibet statuere vellent, tanquam inimicorum censuras et judicia patiantur. Summa petitionis hujus fuit, ut Parliamenti interpretatione illa vox 'alibi,' quæ tam perplexam difficultatem induxit, declaretur; tum ut ecclesiastici judices, nisi prohibitiones regias apreverint, illa tam atroci contra provisores pœna non teneantur: postremo, ut hi, qui de jurisdictionis finibus totis viribus contra prælatos tam hostiliter semper dimicare solent, a concedendis prohibitionibus, et cognoscendis hujusmodi causis exercendisque in ecclesiasticos judices judiciis supersedeant: aliique statuantur, qui cum de jurisdictionis utriusque finibus agatur, aut illæ causæ in controversiam venirent, sine omni suspicione et interpretari controversa jura æquius, et sine invidia judicare rectius, velint. In hac autem re Polidorus Virgilius[d] falsus est. Quod Martinum Papam, qui diu ante obiit, cum Henrico Sexto Rege de rescindendis illis juribus et actionibus egisse, et illa statuta, quæ contra Papæ provisiones lata sunt, a pœnis provisis et præmonitis nuncupata esse scribat. Sed ut, omisso homine peregrino et a nostræ historiæ sensu veritateque alieno, ad hanc præsulum atque prælatorum supplicationem revertamur: si tum, cum Papa authoritatem regiam in omni jurisdictione exerceret, cumque vis ejus etiam regibus esset formidabilis, tamen contra tam immanem et violentam juris regni peritorum interpretationem deprecari prælati coacti sunt; quid nunc facient, cum ecclesiasticæ jurisdictionis gubernaculis principi delatis, et papali usurpatione exclusa, nec illa causidicorum turba, neque quisquam alius hominum ordo, majore fide, religione, doctrina, prudentia et facundia papalem oppugnent, et principis jurisdictionem tueantur, quam prælati: ut graviori supplicio digni sint hi, qui ecclesiastica judicia jam contra Papam, eaque principis nomine exercitata, obsoletis illorum statutorum calumniis nunc impediant, et prælatos a munere suo pie recteque gerendo deterreant; quam qui priscis illis temporibus papales provisiones Romæ vel alibi impetrarent. Quod si tam iniqui calumniatores duriores esse volunt, et vetera ob alias causas lata jura non ad principis aut reipublicæ, sed ad suam utilitatem atque quæstum, et ad integerrimi religiosissimique prælatorum ordinis perniciem refricare volunt; saltem ipsi simili lege lata patiantur legem talionis, eademque pœna plectantur, si in ecclesiasticæ jurisdictionis limites incurrant, qua prælatos, si suas causas vel minimo digito attigerint, affici volunt.

[d] Lib. xix. [p. 392. Basil. 1534.]

XIV.

A passage out of Archbishop Parker's Antiquitates Britannicæ, concerning Ceremonies used in Consecration of Churches, referred to in the preceding History. [See above, p. 248.]

Page 85.

Etsi enim assentior recte ac secundum Deum egisse Pontifices Romanos quod hujusmodi nugis ac præstigiis, quæ multis ante eos sæculis in summo usu et existimatione a veteribus culta et observata fuerunt, fidem omnem ac authoritatem detraxerint; in hoc tamen desidero illorum sive pietatem, sive prudentiam, quod quæ in eo genere corrigere volebant, in alio deteriora effecerunt; ut immutata magis et ad novas superstitiones traducta, quam penitus deleta et extincta cernantur. Legat enim qui volet recentiores, et nostro præsertim ævo editos, Pontificales ac Missales libros; reperiet eos et cæremoniarum multitudine et peragendi difficultate atque tædio, et exorcisationis amentia, priores illos longe superare. Quibus enim, non dicam verbis, sed portentis, hæc et hujusmodi a Pontificiis adhuc adjurantur? Primarius lapis, et cæmentum pro ecclesia ædificanda, sal et aqua, panis benedictus, dedicatio recentis ecclesiæ, altaria, vasa, indumenta, linteamina, et ornamenta ecclesiastica, altare portatile, calix cum patena, crux nova, sanctorum imagines, campanæ atque signa, cineres, incensus, tum in militum (ut vocant) regularium erectione, arma, enses et vexilla bellica. Hæc omnia, quam solenni ritu, sanctarum Scripturarum sententiis ad suas decantationes perperam adhibitis, Pontificii peragunt, paucis videamus, &c. . . . Sed quid hujus generis infinita exempla persequar? Cui enim dubium est, hujusmodi exorcismis papales ritus et cæremonias abundare; qui ab his, quos in ordinatione ordalii vulgarisque purgationis antiquitus secuta est, quam sero damnabant, aut nihil differunt, aut pluribus magisque stupendis præstigiis referti sunt. At Sanctus Augustinus, qui suo tempore de cæremoniarum multitudine questus est, si jam viveret, quid de hoc immenso numero, et prolixo earum celebrandarum modo, existimare poterat?

XV.

A passage out of a Pamphlet, entituled Antidotum Culmerianum. Printed at Oxford, 1644, 4to., referred to in the preceding History. [p. 254.]

Page 11.

Who but he (Richard Culmer, then demolishing the painted glass and other ornaments of the cathedral church of Canterbury) made the place his refectory, his dining-room, the place of his repast at that time? Being so sedulous, hot and intent upon the work, that to lose no time in following it, he took his bottle and bag with him to victual himself upon the place. If all this amount not to impudence, as perhaps with too many judges in these days it will not; I shall tell you now of

impudence with a witness: and I term it so, because I have it from an eye-witness of good credit, that, not without just scandal, saw the deed done, and will be ready, if lawfully required, to attest and justify the report with his corporal oath. What do you think, then, of pissing in the open church, and at noon-day, in public view?—This is he that did the deed in the body of that cathedral, &c.

XVI.

[See above, p. 254].

A passage out of the same Pamphlet, referred to in the preceding History, being part of Richard Culmer's Information against Mr. E. B., a gentleman of quality, of Goodneston in Kent, his Parishioner, exhibited at the Council-Table.

Page 35.

And I heard the said Mr. B. say, having read over the book of Sabbath-Recreations, and delivering it to me before evensong in the church, I asked him, if he had read it? he replied, 'Yes; it will make a good privy seal.' And my wife and I heard him in our own house say of the said book, that it was, as if a schoolmaster should say, It is a good boy, ply thy book, and thou shalt go to play in the afternoon. And I and my servant heard him say, that it was unfit such books should be sent for ministers to read in the church. Yet, after he had a project to get my benefice, he to collogue for it, said in my hearing 46 that it was a good book; and if it were read, the Sabbath would be better kept than ever it was. Dated July 31, 1635.

Per me, RICH. CULMER.

XVII.

[p. 254.]

A third passage out of the same Pamphlet, referred to in the preceding History, being the Order of Council-Table made against Richard Culmer, after he had exhibited the said Information.

Page 19.

At White-Hall, Octob. 9, 1635.

Present.

Lord Archbishop of Canterbury his Grace.
Lord Keeper. Earl Marshal.
Lord Privy-Seal. Lord Cottington.
Mr. Secretary Windebank.

Whereas upon an information given by R. C. clerk, against E. B. of B. in the county of Kent, Gent., the said E. B. was sent for by warrant, and bound to appear and answer the same before their Lordships, Friday, the 9th of this present; this day, both the said parties having been called and heard before the Board: their Lordships finding the said information and complaint against Mr. B. to have been causeless and unjust, did think fit and order, that he should be forthwith dis-

charged from any further attendance concerning the same, and that the bonds by him entered into for his appearance, should be delivered up unto him. Lastly, that the said R. C. should, for such his misinformation and abuse, stand committed prisoner to the Fleet.

XVIII.

A passage out of a Sermon, preached by Dr. Heylin at Oxford, 1630, *against the Feoffment for buying in Impropriations, referred to in the preceding History.* [See above, p. 305.]

Life of Archbishop Laud, p. 199.

Planting also many pensionary lecturers in so many places where it need not, and upon days of common labour, will at the best bringing forth of fruit, appear to be a tare indeed, though now no wheat be counted tares, &c. We proceed a little on further in the proposal of some things to be considered. The corporation of feoffees for buying in of impropriations to the Church; doth it not seem in the appearance to be an excellent piece of wheat? A noble and gracious point of piety? Is not this *Templum Domini, Templum Domini?* But, blessed God, that men should thus draw near unto Thee with their mouths, and yet be far from Thee in their hearts! For what are those entrusted in the
8 managing of this great business? Are they not the most of them the most active, and the best affected men in the whole cause, and *magna partium momenta*, chief patrons of the faction? And what are those whom they prefer? Are they not most of them such as must be serviceable to their dangerous innovations? And will they not in time have more preferments to bestow, and therefore more dependencies, than all the prelates in the kingdom, &c.? Yet all this while we sleep and slumber, and fold our hands in sloth; and see perhaps, but dare not note it.

XIX.

A passage out of the Statute of the 27th of Elizabeth, against Jesuits and Seminary Priests, referred to in the preceding History. [p. 330.]

27 Eliz. cap. 2. sect. 3.

And be it further enacted by the authority aforesaid, that it shall not be lawful to or for any Jesuit, seminary priest, or other such priest, deacon, or religious ecclesiastical person whatsoever, being born within this realm or any other her Highness' dominions, and heretofore since the said Feast of the Nativity of St. John Baptist, in the first year of her Majesty's reign, made, ordained, or professed, or hereafter to be made, ordained, or professed, by any authority or jurisdiction derived, challenged, or pretended from the See of Rome, by or of what name, title, or degree soever the same shall be called or known, to come into, be, or remain in any part of this realm, or any other her Highness' dominions, after the end of the same forty days, other than in such special cases,

and upon such special occasions only, and for such time only, as is expressed in this Act; and if he do, then every such offence shall be taken and adjudged to be high treason; and every person so offending, shall for his offence be adjudged a traitor, and shall suffer, lose, and forfeit, as in case of high treason. And every person, which after the end of the same forty days, and after such time of departure, as is before limited and appointed, shall wittingly and willingly receive, relieve, comfort, aid, or maintain any such Jesuit, seminary priest, or other priest, deacon, or religious or ecclesiastical person as is aforesaid, being at liberty, or out of hold, knowing him to be a Jesuit, seminary priest, or other such priest, deacon, or religious or ecclesiastical person as is aforesaid, shall also for such offence be adjudged a felon, without benefit of clergy, and suffer death, lose, and forfeit, as in case of one attainted of felony.

XX.

[See above, p. 330.]

A passage out of Sir Edward Coke's Institutes, being his Judgment upon the said Statute, referred to in the preceding History.

Lib. iii. cap. 37.

The cause of making this Statute of 27 Eliz. against Jesuits and seminary priests and their receivers, you may read at large, lib. v. fol. 38, 39, in the case *De jure Regis ecclesiastico*. [Sir Edward Coke's words in the place referred to by himself, are here subjoined.]

And albeit many of her subjects, after the said Bull of Pius Quintus, adhering to the Pope, did renounce their former obedience to the Queen, in respect of that Bull; yet all this time no law was either made or attempted against them for their recusancy, &c. . . . Then Jesuits and Romish priests were sent over; who in secret corners whispered and infused into the hearts of many of the unlearned subjects of this realm, that the Pope had power to excommunicate and depose kings and princes; that he had excommunicated the late Queen, deprived her of her kingdom, and discharged all her subjects of their oaths, duties, and allegiance to her . . . . And thereupon Campian, Sherwin, and many other Romish priests were apprehended, &c. . . . But all this time there was no Act of Parliament made, either against recusants, or Jesuits, or priests, &c. . . . But after these Jesuits and Romish priests coming daily into, and swarming within this realm, instilling still this poison into the subjects' hearts, that by reason of the said Bull of Pius Quintus, her Majesty was excommunicated, deprived of her kingdom, &c., in the 27th year of her reign, by authority of Parliament, her Majesty made it treason for any Jesuit or Romish priest, being her natural born subject, and made a Romish priest or Jesuit since the beginning of her reign, to come into any of her dominions[r]: intending thereby to keep them out of the same, to the end, that they should not infect any other subjects with such treasonable and damnable persuasions and practices, as are aforesaid: which without controversy were high treason, by the

[r] Statutum de An. 27 Eliz.

ancient and common laws of England. Neither would ever magnanimous King of England, sithence the first establishment of this monarchy, have suffered any (especially being his own natural born subjects) to live, that persuaded his subjects that he was no lawful king, and practised with them to withdraw them from their allegiance, &c.

XXI.

A passage out of Bishop Montague's Origines Ecclesiasticæ, referred to in the preceding History. [See above, p. 307.]

Tom. i. par. ii. p. 464.

Sancte credimus, accurate tuemur et defendimus, hoc ipsum officium et munus in Ecclesia, sive apostolicum, seu sacerdotale, adeo esse de necessitaté salutis ordinaria, ut sine altero alterum esse nequeat. Non est sacerdotium, nisi in Ecclesia; non est Ecclesia sine sacerdotio. Illud autem intelligo, per χειροθεσίαν Episcopalem ordinariam. Neque enim admittendam censemus extraordinariam aliquam seu vocationem seu λειτουργίαν, nisi miraculosam. Oportet omnino miraculis agant, et suam confirment functionem signo aliquo; qui non ab Episcopis, derivata ab Apostolis per successionem institutione, in Ecclesiam inducuntur; sed vel orti a sese, vel nescio unde intrusi, sese ingerunt. Nam quod prætendunt, ordinariam vocationem retinendam, adhibendam, eique adhærescendum, nisi in casu necessitatis, absurdum est; et suppositioni innititur impossibilitatis. Neque enim talis casus aut extitit aliquando, aut contingere potest; nisi fallat nos Dominus, qui promisit: *Portæ inferorum non prævalebunt, &c.*

ROME's *MASTER-PIECE:*

OR, THE

Grand Conſpiracy of the POPE

AND HIS

JESUITED INSTRUMENTS,

TO

Extirpate the Proteſtant Religion, Re-eſtabliſh Popery, Subvert Laws, Liberties, Peace, Parliaments;

BY

Kindling a Civil War in *Scotland*, and all his Majeſty's Realms, and to Poiſon the King himſelf, in caſe he Comply not with them in theſe their execrable Deſigns.

Revealed out of Conſcience to *Andreas ab Habernfeld*, by an Agent ſent from *Rome* into *England*, by *Cardinal Barbarino*, as an Aſſiſtant to *Con* the Pope's late *Nuncio*, to proſecute this moſt Execrable Plot, (in which he perſiſted a principal Actor ſeveral Years) who diſcovered it to Sir *William Boſwell*, His Majeſty's Agent at the *Hague*, 6. *Sept.* 1640. He, under an Oath of Secreſie, to the *Arch-Biſhop of Canterbury* (among whoſe Papers it was caſually found [by * Mr. *Prynn*, *May*, 31. 1643.]) who Communicated it to the King, *As the greateſt Buſineſs that ever was put to him.* [* *Who I believe, is the Author of this Tract.*

Together with

The ARCH-BISHOP's NOTES.

The Lord both will bring to Light the hidden things of Darkneſs, and will make manifeſt the Counſels of the Hearts; and then ſhall every man have Praiſe of God. 1 Cor. IV. 5.

It is Ordered by the Committee of the Houſe of Commons in Parliament, concerning Printing, this firſt day of Auguſt, 1643. *That this Book, Intituled,* ROME's MASTER-PIECE, *be forthwith Printed by* Michael Sparke, *Senior.* John White.

LONDON:

Printed for Ri. Chiſwell, at the *Roſe* and *Crown* in St. *Paul's* Church Yard, M DC XCV.

[*This Tract, as the previous title indicates, was reprinted by Wharton at the end of the Archbishop's History of his Troubles and Trial; of which volume it occupied pp.* 569—606. *The brackets which are here retained from this reprint, mark passages to which the Archbishop particularly wished to direct attention, or on which he made his comments.*]

ROME'S MASTERPIECE.

If there be any professing the Protestant religion within the King's dominions, or elsewhere, who are yet so wilfully blinded as not to discern, so sottishly incredulous as not to believe, any real long-prosecuted conspiracy, by former secret practices and the present wars to extirpate the Protestant religion, re-establish Popery, and enthral the people in all three kingdoms, notwithstanding all visible effects, and transparent demonstrations of it, lively set forth in the late 'Declaration of the Lords and Commons, concerning the Rise and Progress of the Grand Rebellion in Ireland,' and other Remonstrances of that nature; let them now advisedly fix their eyes, minds, upon the ensuing letters and discoveries, (seized on by Master Prynn, in the Archbishop's chamber in the Tower, May 31, 1643, by warrant from the Close Committee, unexpectedly commanded on that service,) and then they must needs acknowledge it an indubitable verity; [since Sir William Boswell, the Archbishop,] and those who revealed this plot, were persuaded [of its reality upon the first discovery], before it brake forth openly in Ireland and England.

Who and what the author of this discovery was; who the chief active instruments in the plot; when, and where they assembled; in what vigorous manner they daily prosecuted it; how effectually they proceeded in it; how difficult it is to dissolve or counterwork it, without special diligence, the relation itself will best discover. Whose verity if any question, these reasons will enforce belief:

First, that the discoverer was a chief actor in this plot, sent hither from Rome by Cardinal Barbarino; to assist Con the Pope's legate in the pursuit of it, and privy to all the particulars therein discovered.

Secondly, that the horror and reality of the conspiracy so troubled his conscience, [as it engaged him to disclose it [a],] yea to renounce that bloody Church and religion, which contrived it; though bred up in, preferred by it, and promised greater advancements for his diligence in this design.

Thirdly, that he discovered it under an oath of secresy, and offered to confirm every particular by solemn oath.

[a] And would he then disclose it to me, if I were in any degree a promoter of it, or a favourer of the religion?

Fourthly, that he discovers the persons principally employed in this plot, the places and times of their secret conventions, their manner and diligence in the pursuit of it, with all other circumstances so punctually, as leaves no place for doubt.

Fifthly, the principal conspirators nominated by him are notoriously known to be fit instruments for such a wicked design.

Sixthly, many particulars therein have [immediate relation to the King and Archbishop], to whom he imparted this discovery, and durst not reveal anything for truth, which they could disprove on their own knowledge.

Seventhly, Sir William Boswell, [and the Archbishop,] if not the King himself, were fully satisfied, that it was real and most important.

Eighthly, some particulars [are ratified by the Archbishop's testimony, in the Memorials of his own Life], written with his own hand some years before; and others so apparent, that most intelligent men in court or city, were acquainted with them whiles they were acting, though ignorant of the plot.

Finally, the late sad effects of this conspiracy in all three kingdoms, in prosecution of this design, compared with it, are such a convincing evidence of its reality; and God's admirable hand of Providence in bringing this concealed plot so seasonably to light, [by an instrument unexpectedly raised from the grave of exile and imprisonment, to search the Archbishop's papers, who had seised his in former times, and shut him up close prisoner in a foreign dungeon [b]] such a testimony from Heaven superadded to the premises, that he who deems it an imposture may well be reputed an infidel, if not a monster of incredulity.

The first overture and larger relation of the plot itself, were both writ in Latin, as they are here printed, and faithfully translated word for word, as near as the dialect will permit. All which premised, the letters and plot here follow in order.

Sir William Boswell's first Letter to the Archbishop concerning the Plot.

May it please your Grace,

The offers (whereof your Grace will find a copy) here enclosed towards a further and more particular discovery, were first made unto me at the second hand, and in speech, by a friend of good quality and worth in this place: but soon after (as soon as they could be put into order) were avowed by the principal party; and delivered me in writing by both together: upon promise and oath, which I was required to give, and gave accordingly, not to reveal the same to any other man living but your Grace; and by your Grace's hand, unto his Majesty.

[b] This is not so. For I gave not any vote at all for his censure.

In like manner they have tied themselves not to declare these things unto any other, but myself; until they should know, how his Majesty and your Grace would dispose thereof. The principal giving me withal to know, that he puts himself and this secret into your Grace's power: as well because it concerns your Grace so nearly after his Majesty: as that he knows your wisdom to guide the same aright; and is assured of your Grace's fidelity to his Majesty's person, to our State, and to our Church.

First, your Grace is humbly and earnestly prayed to signify his Majesty's pleasure (with all possible speed) together with your Grace's disposition herein, and purpose to carry all with silence, from all, but his Majesty, until due time.

Secondly, when your Grace shall think fit to show these things unto his Majesty; to do it immediately; not trusting to letters, or permitting any other person to be by, or in hearing: and to entreat and counsel his Majesty, as in a case of conscience, to keep the same wholly and solely in his own bosom, from the knowledge of all other creatures living, but your Grace; until the business shall be clear, and sufficiently in his Majesty's and your Grace's hands to effect.

Thirdly, not to inquire or demand the names of the parties from whom these overtures do come; or any further discoveries and advertisements in pursuit of them which shall come hereafter, until due satisfaction shall be given in every part of them. Nor to bewray unto any person but his Majesty, in any measure or kind, that anything of this nature, or of any great importance, is come from me.

For as I may believe these overtures are verifiable in the way they will be laid; and that the parties will not shrink: so I make account, that if never so little a glimpse or shadow of these informations shall appear by his Majesty's or your Grace's speech or carriage, unto others, the means whereby the business may be brought best unto trial will be utterly disappointed: and the parties who have, in conscience towards God, and devotion to his Majesty, affection to your Grace, and compassion of our country, disclosed these things, will run a present and extreme hazard of their persons and lives. So easily it will be conjectured (upon the least occasion given upon his Majesty's or your Grace's parts) who is the discoverer; by what means, and how he knows so much of these things; and where he is. These are the points, which, together with the offers, they have pressed me especially to represent most seriously unto your Grace.

For my own particular, having most humbly craved pardon of any error or omissions that have befallen me in the managing of this business, I do beseech your Grace to let me know—

First, whether, and in what order I shall proceed hereafter with the parties?

Secondly, what points of these offers I shall chiefly, and first put them to enlarge and clear?

Thirdly, what other points and inquiries I shall propose unto them, and in what manner?

Fourthly, how far further I shall suffer myself to hear and know these things?

Fifthly, whether I shall not rather take the parties' answers and discoveries sealed up by themselves; and having likewise put my own seal upon them, without questioning or seeing what they contain, so transmit them to his Majesty or your Grace?

Sixthly, whether I may not insinuate upon some fair occasion, that there will be a due regard held of them and their service, by his Majesty and your Grace: when all particulars undertaken in these general offers, and necessary for perfecting the discovery and work intended, shall be effectually delivered to his Majesty or your Grace?

Upon these heads, and such other as his Majesty or your Grace shall think proper in the business, I must with all humility beseech your Grace to furnish me with instructions and warrant for my proceedings, under his Majesty's hand with your Grace's attestation, as by his Majesty's goodness and royal disposition is usual in like cases.

May it please your Grace to entertain a cypher with me upon this occasion. I have sent the counterpart of one here enclosed: in the vacant spaces whereof your Grace may insert such names more, with numbers to them, as you think requisite.

If these overtures happily sort with his Majesty's and your Grace's mind, and shall accordingly prove effectual in their operation, I shall think myself a most happy man, to have had my oblation in so pious a work for my most gracious sovereign and master: more particularly, in that your Grace, under his Majesty, shall be *opifex rerum et mundi melioris origo*. Which I shall incessantly beg in my prayers at His hands who is the giver of all good things; and will never forsake or fail them, who do not first fail and fall from Him, the God of mercy and peace. With which I remain evermore,

Your Grace's
most dutiful and
obliged Servant,
WILLIAM BOSWELL.

I have not dared to trust this business (without a cypher) but by a sure hand; for which I have sent this bearer, my secretary, express: but he knoweth nothing of the contents hereof.

Hague in Holland, 9 *Sept.* 1640. *Sti. loci.*

Sir William Boswell's indorsement.

For Your Grace.

The Archbishop's indorsement with his own hand.

Rece. Sept. 10, 1640. Sir William Boswell about the plot against the King, &c.

78 *Andreas ab Habernfield his Letter to the Archbishop concerning the Plot revealed to him.*

Illustrissime ac reverendissime Domine,

Concutiuntur omnes sensus mei, quoties præsens negotium mecum revolvo; nec intellectus sufficit, quænam aura tam horrenda attulerit, ut per me apricum videant. Præter spem enim bonus iste vir mihi innotuit, qui cum me discurrentem de turbis istis Scoticis audisset; ignorare me, inquit, nervum rei, superficialia esse ista quæ vulgo sparguntur. Ab ista hora indies mihi fiebat familiarior; qui dexteritate mea agnita, pleno pectore cordis sui onera in sinum meum effudit; deposuisse se gravamen conscientiæ, quo premebatur, ratus. Hinc factiones Jesuitarum, quibus totus terrenus intentatur orbis, mihi enarravit; depastasque ipsorum per virus, Bohemiam et Germaniam ut adspicerem, ostendit sauciam utramque partem vulnere irreparabili: eandem pestem per Angliæ Scotiæque repere regna, cujus materiam, scripto adjacenti revelatam, me edocuit: quibus auditis, viscera mea convellebantur, tremebant horrore artus; tot animarum millibus infestam paratam esse voraginem. Verbis conscientiam moventibus, animum hominis accendi; vix horam unam monita coxerat, abdita omnia aperuit, liberumque dedit, agerem, ut iis, quorum interest, innotescerent. Non tardandum cum rebus censui: ea ipsa hora, Dominum Bosuelium

Most illustrious and most reverend Lord,

All my senses are shaken together as often as I revolve the present business; neither doth my understanding suffice (to conceive) what wind hath brought such horrid things, that they should see the sunshine by me. For besides expectation this good man became known unto me, who when he had heard me discoursing of these Scottish stirs, said that I knew not the nerve of the business, that those things which are commonly scattered abroad are superficial. From that hour he every day became more familiar to me; who acknowledging my dexterity herein, with a full breast poured forth the burdens of his heart into my bosom, supposing that he had discharged a burden of conscience wherewith he was pressed. Hence he related to me the factions of the Jesuits, with which the whole earthly world was assaulted, and showed, that I might behold how through their poison Bohemia and Germany were devoured, and both of them maimed with an irreparable wound: that the same plague did creep through the realms of England and Scotland, the matter whereof, revealed in the adjacent writing, he discovered to me: which things having heard, my bowels were contracted together, my loins trembled with horror, that a pernicious gulf should be

If a stranger were thus affected at the hearing of this plot, how should we ourselves be sensible thereof?

prepared for so many thousands of souls. With words moving the conscience, I inflamed the mind of the man: he had scarce one hour concocted my admonitions, but he disclosed all the secrets, and he gave free liberty that I should treat with those whom it concerned, that they might be informed thereof. I thought no delay was to be made about the things: the same hour I went to Master Boswell, the King's Leger at the Hague, who being tied with an oath of secresy to me, I communicated the business to him; I admonished him to weigh these things by the balance, neither to defer, but act, that those who were in danger might be speedily succoured. He, as becomes an honest man, mindful of his duty, and having nearer looked into the business, refused not to obey the monitions: moreover, he forthwith caused that an express should be despatched; and sent word back again, what a most acceptable oblation this had been to the King and your Grace; for which we rejoiced from the heart, and we judged, that a safe and favourable Deity had interposed itself in this business, whereby you might be preserved.

Residentem Regium Hagæ Comitum, adii, juramento silentii mihi obstricto, rem communicavi, pondraret ista ad trutinam monui, neque differret ei quin ageret, ut periclitantibus succurratur propere. Is, ut virum honestum condecet, officii memor, propiusque introspecto negotio, monita recusare non quivit; quinimo egit e vestigio ut expressus expediretur. Retulitque iterum, quam acceptissimum Regi, tuæque reverentiæ fuisse oblatum; de quo ex corde gavisi sumus, judicavimusque actutum, favorabile sese interposuisse in hoc negotio Numen, quo servaremini.

Now that the verity of the things related might be confirmed, some principal heads of the conspiracy were purposely pretermitted, that the knowledge of them might be extorted from the circumvented society of the conspirators.

Ut vero rerum enarratarum confirmetur veritas, studio primaria nonnulla conjurationis capita sunt præterita, ut notitia eorum ab circumventa conjurationis societate extorqueatur.

Now the things will be speedily and safely promoted into act, if they be warily proceeded in at Bruxels. By my advice, that day should be observed wherein the packet of letters are despatched,

Promovebitur res cito tutoque in actum, si caute procedetur Bruxellis. Meo consilio observandam esse eam diem, qua fasciculi literarum expediuntur, qui sub titulo, 'Al Monsignor Strario Archidiacono

di Cambray,' una coperta ligati, præfecto tabellionum traduntur, ab ipso talis fasciculus tacite poterit repeti; inutilis tamen erit, quia omnes inclusæ characteristice scriptæ sunt. Alter quoque fasciculus hebdomadatim Roma veniens, qui sub inscriptione, 'Al illustrissimo Signor Conte Rossetti, pro tempore Legato,' adportatur, non negligendus: cui similiter charactere eodem conscriptæ includuntur literæ. Ut intelligantur, Reda consulendus erit. Supra nominata die expeditionis, ædibus Redæ adcumulata congregatio circumvenietur; quo succedente, tuæ Reverentiæ erit negotium disponere. Detecto tandem per Dei gratiam, intestino hoste, omnis amaritudo animorum quæ ab utraque parte causata est, aboleatur, oblivioni tradatur, deleatur et consopiatur, utrique parti insidiari hostis: ita Rex, amicusque Regis, et regnum utrumque discrimini vicinum servabitur, eripietur imminenti periculo.

which under the title of, 'To Monsieur Strario, Archdeacon of Cambray,' tied with one cover, are delivered to the post-master, such a packet may be secretly brought back from him; yet it will be unprofitable, because all the inclosed letters are written characteristically. Likewise another packet coming weekly from Rome, which is brought under this subscription, 'To the most illustrious Lord Count Rossetti, Legate for the time;' these are not to be neglected: to whom likewise letters writ in the same character are included. That they may be understood, Read is to be consulted with. The forenamed day of despatch shall be expected: in Read's house an accumulated congregation may be circumvented; which succeeding, it will be your Grace's part to order the business. The intestine enemy being at length detected, by God's grace, all bitterness of mind which is caused on either side may be abolished, delivered to oblivion, deleted and quieted, the enemy be invaded on both parts: thus the King and the King's friend, and both kingdoms near to danger, shall be preserved, delivered from imminent danger.

Hæc penes etiam Reverentia tua injunctum sibi habeat, si alias consultum sibi optime volet, ne pursivantibus suis nimium fidat; vivunt enim eorum nonnulli sub stipendio partis pontificiæ. Quot scopuli, quot Scillæ, quotque infensæ obsultant T. R. Charibdes, quam periculoso mari agitatur vita T. R. cymbula naufragio proxima, ipse judicet; pellenda ad portum prora propere.

Your Grace likewise may have this injunction by you, if you desire to have the best advice given you by others, that you trust not overmuch to your pursuivants; for some of them live under the stipend of the popish party. How many rocks, how many Scillas, how many displeased Charibdes appear before your Grace, in what a dangerous sea the cockboat of your Grace's life, next to shipwreck, is tossed, yourself may judge; the fore-deck of the ship is speedily to be driven to the harbour.

All these things (I whisper) into your Grace's ear; for I know it bound with an oath of secresy; therefore by open name I would by these presents become known unto your Grace.

Your Grace's most observant, and most officious,
ANDREW HABERNFELD.

Hague, 14 *Sept.* *S. N.* 1640.

Hæc omnia tuæ Reverentiæ in aurem; scio enim juramento silentii obligatam; ideo aperto nomine, præsentibus Reverentiæ tuæ innotescere volui mansurus

Observantissimus, et officiosissimus,
ANDREAS AB HABERNFELD.

Hagæ Comitum, *Sept.* 14. *S. N.* 1640.

Andreas ab Habernfeld [*a chaplain (as some affirm) to the Queen of Bohemia*] *his indorsement hereon.*

Illustrissimo ac Reverendissimo Dom. Domino Gulielmo Archiepiscopo 576
Cantuariensi, Primati et Metropolitano totius Regni Angliæ Dom. meo.

The Archbishop's indorsement with his own hand.

Rece. Octob. 14, 1640. Andreas ab Habernfeld his letters sent by Sir W. Boswell about the discovery of the treason. I conceive by the English Latin herein that he must needs be an Englishman, with a concealed and changed name. And yet it may be this kind of Latin may relate to the Italian. Or else he lived some good time in England. [The declaration of this treason I have by his Majesty's special command sent to Sir W. Boswell, that he may there see what proof can be made of any particulars.]

The general Overture and Discovery of the Plot sent with Sir William Boswell's first Letter.

The King's Majesty, and Lord Archbishop of Canterbury, are to be secretly informed by letters.

1[c]. That the King's Majesty, and the Lord Archbishop, are both of them in great danger of their lives.

2. That the whole commonwealth is by this means endangered, unless the mischief be speedily prevented.

3. That these Scottish troubles are raised to the end, that under this pretext the King [and Archbishop might be destroyed.]

Regiæ Majestati, et Dom. Archiepiscopo Cantuariensi insinuandum per literas.

1. Regiam Majestatem et Dom. Archiepiscopum, utrumque in magno discrimine vitæ constitutum.

2. Totam rempublicam hoc nomine periclitari, nisi propere occurratur malo.

3. Turbas istas Scoticas in eum finem esse concitatas; ut sub isto prætextu Rex et Dominus Archiepiscopus perimeretur.

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[c] I have not looked upon these papers these two years and a half. Yet (if my memory fail not) here are some propositions left out.

Dari medium, quo utrique hac ,rte bene consuli, et tumultus ito componi possit.

4. That there is a means to be prescribed, whereby both of them in this case may be preserved, and this tumult speedily composed.

Compositis etiam turbis istis :is, nihilominus periclitari m; esse plurima media quibus et Domino Archiepiscopo inatur exitium.

5. That although these Scottish tumults be speedily composed, yet that the King is endangered; and that there are many ways by which destruction is plotted to the King [and Lord Archbishop].

The Jesuits' plots are never ended till they obtain their desired ends in all things.

Conspirasse certam Societaquæ Regi et Dom. Archiepi- molitur necem, totiusque convulsionem.

6. That a certain Society hath conspired, which attempts the death of the King, [and Lord Archbishop,] and convulsion of the whole realm.

Eandem Societatem singulis manis, explorationis octiduæ quemque, quod nundinatus d Præsidem Societatis depoet in unum fasciculum con; qui hebdomadatim ad direcnegotii expeditur.

7. That the same Society every week deposits with the President of the Society, what intelligence every of them hath purchased in eight days' search, and then confer all into one packet; which is weekly sent to the director of the business.

The Pope and Cardinal Barbarino.

Nominari quidem posse omer capita dictæ conspirationis ratos. At quia alio medio escent, differre in posterum it.

8. That all the confederates in the said conspiracy may verily be named by the poll. But because they may be made known by other means, it is thought meet to defer it till hereafter.

Medium esse in promptu, quo nomento detegi poterit scelus, iratores præcipui circumvemembraque primaria conjuiis in ipso actu apprehendi.

9. That there is a ready means, whereby the villany may be discovered in one moment, the chief conspirators circumvented, and the primary members of the conjuration apprehended in the very act.

Astantes Regi plurimos, qui idelissimis et intimis censenuibus etiam secretiora fidunproditores Regis esse, perepensione corruptos, qui a quæque majoris, vel exigui nti, ad exteram potestatem nt.

10. That very many about the King, who are accounted most faithful and intimate, to whom likewise the more secret things are entrusted, are traitors to the King, corrupted with a foreign pension, who communicate all secrets, of greater or lesser moment, to a foreign power.

His Majesty and the realm may be soon betrayed by such false attendants.

Hæc et alia secretissima, quæ ad securitatem Regis erunt saria, quod si hæc accepta

11. These and other most secret things, which shall be necessary to be known for the security of the

King, may be revealed, if these things [shall be acceptable to the Lord Archbishop.]

12. In the meantime, if his royal Majesty and [the Lord Archbishop] desire to consult well to themselves, they shall keep these things, only superficially communicated unto them, most secretly under deep silence, not communicating them so much as to those whom they judge most faithful to them, before they shall receive by name, in whom they may confide: for else they are safe on no side.

Likewise they may be assured, that whatsoever things are here proposed, are no figments, nor fables, nor vain dreams; but such real verities, which may be demonstrated in every small tittle. For those who thrust themselves into this business, are such men, who mind no gain; but the very zeal of Christian charity suffers them not to conceal these things: yet both from his Majesty [and the Lord Archbishop] some small exemplar of gratitude will be expected.

All these premises have been communicated under good faith, and the sacrament of an oath, to Mr. Leger Ambassador of the King of Great Britain, at the Hague; that he should not immediately trust, or communicate these things to any mortal, besides the King [and the Lord Archbishop of Canterbury.]

Subscribed, &c.

Present, &c.

Hague Com. 6 *Sept.* 1640, *in the style of the place.*

Dom. Archiepiscopo fuerint, revelari poterunt.

12. Interim si regia Majestas sua et Dominus Archiepiscopus bene sibi consultum volunt, hæc superficialiter quidem tantum ipsis communicata, sub profundo silentio, et secretissime servabunt, ne quidem iis, quos sibi fidelissimos judicant, communicaturi, antequam 578 de nomine acceperint, quibus fidendum sit: ab nullo enim latere alias tuti sunt.

Sint etiam certi, quicquid hic proponitur, nulla figmenta, nec fabulas, aut inania somnia esse; sed in rei veritate ita constituta, quæ omnibus momentis demonstrari poterunt. Qui enim se immiscent huic negotio, viri honesti sunt, quibus nullus quæstus in animo; sed ipse Christianæ charitatis fervor ista facere non sinit: ab utroque tamen, suæ Majestati, tum Domino Archiepiscopo, gratitudinis exemplar tale quale expectabitur.

Hæc omnia antecedentia sub bona fide et juramenti sacramento, Dom. Residenti Regis Magnæ Britanniæ, Hagæ Comitum communicata esse, ne ulli mortalium, præter Regem, et Dom. Archiepiscopum Cantuariensem immediate ista fideret, vel communicaret.

Subscripta, &c.

Præsentes, &c.

Hagæ Com. 6 *Sept.* 1640, *St. loci.*

Detectio &c. offerenda Seren. Regiæ Majestati Britanniæ et [Dom. Archiepiscopo Cantuariensi,] &c. 6 Sept. 1640.

The Archbishop's own indorsement.

Rece. Sept. 10, 1640. The Plot against the King.

) *The Archbishop of Canterbury's Letter to the King concerning the Plot: with the King's Directions in the Margin, written with his own Hand.*

May it please your Majesty,

I beseech your Majesty read these letters as they are endorsed by figures, 1, 2, 3, &c.

As great as the secret is which comes herewith, yet I choose rather to send it in this silent covert way, and I hope safe, than to come thither, and bring it myself. First, because I am no way able to make haste enough with it. Secondly, because should I come at this time, and antedate the meeting, Septemb. 24[d], there would be more jealousy of the business, and more inquiry after it; especially, if I being once there, should return again before that day, as I must if this be followed, as is most fit.

Ye had reason so to doe.

The danger it seems is imminent, and laid by God knows whom; but to be executed by them which are very near about you. (For the great honour which I have to be in danger with you, or for you, I pass not, so your sacred person and the State may be safe.) Now, may it please your Majesty, this information is either true, or there is some mistake in it: if it be true, the persons which make the discovery will deserve thanks and reward; if there should be any mistake in it, your Majesty can lose nothing but a little silence.

It is an unanswerable dilemma.

The business (if it be) is extreme foul. The discovery thus by God's providence offered, seems fair. I do hereby humbly beg it upon my knees, of your Majesty, that you will conceal this business from every creature, and his name that sends this to me. And I send his letters to me, to your Majesty, that you may see his sense both of the business and the secresy. And such instructions as you think fit to give him, I beseech you let them be in your own hand for his warrant, without imparting them to any. And if your Majesty leave it to his discretion to follow it there in the best way he can, that in your own hand will be instruction and warrant enough for him. And if you please to return it herewith presently to me, I will send an express away with it presently.

I concur totally with you in opinion, assuring you that nobody doth, or shall know of this businesse, and to show my care to conceale it, I received this but this afternoon, and now I make this dispatch before I sleepe. Herewith I send his warrant, as you advise, which indeed I judge to bee the better way.

In the meantime, I have by this express returned him this answer, that I think he shall do well to hold on the treaty with these men, with all care and secresy, and drive on to the discovery, so soon as the business is ripe for it, that he may assure himself and them, they shall not want reward, if they do the service. That for my part he shall be sure of secresy, and that I am most confident that your Majesty will not impart it to any. That he have a special eye to the eighth and ninth proposition.

I like your answer extreame well, and doe promise not to deceive your confidence, nor make you break your word.

[d] [On which day the King had summoned a Council to meet at York. See Diary, Sept. 24, 1640. Works, vol. iii. p. 237.]

[illegible]

Sir, for God's sake, and your own safety, secresy in this business; and I beseech you send me back this letter, and all that comes with it, speedily and secretly, and trust not your own pockets with them. I shall not eat nor sleep in quiet till I receive them. And so soon as I have them again, and your Majesty's warrant to proceed, no diligence shall be wanting in me to help on the discovery.

[illegible]

This is the greatest business that ever was put to me. And if I have herein proposed or done anything amiss, I most humbly crave your Majesty's pardon. But I am willing to hope I have not herein erred in judgment; and in fidelity I never will.

These letters came to me on Thursday, Septemb. 10, at night, and I sent these away according to the date hereof, being extremely wearied with writing this letter, copying out these other which come with this and despatching my letters back to him that sent these, all in my own hand. Once again, secresy for God's sake, and your own. To His most blessed protection I commend your Majesty and all your affairs: and am

[illegible]

[1] York 13. Your Majesty's most humble faithful Servant,
Lambeth, Septemb. 11, 1641. W. CANT.

[2] As I had ended these, whether with the labour or indignation, or both, I fell into an extreme faint sweat: I pray God keep me from a fever, of which three are down in my family at Croydon.

These letters came late to me, the express being beaten back by the wind.

The Archbishop's indorsement with his own hand.

Received from the King, Sept. 16, 1641. For your Sacred Majesty. Yours apostyled. The King's Answer to the Plot against him, &c.

Sir William Boswell's second Letter to the Archbishop.

May it please your Grace.

This evening late I have received your Grace's despatch, with the enclosed from his Majesty, by my secretary Oneart, and shall give due account with all possible speed of the same, according to his Majesty's and your Grace's commands, praying heartily that my endeavours, which shall be most faithful, may also prove effectual, to his Majesty's and your Grace's content, with which I do most humbly take leave, being always

Your Grace's most dutiful and humble Servant,

Hagh, 24 Sept. 1641. WILLIAM BOSWELL.

S. Angel'.

The Archbishop's indorsement.

Received Sept. 30, 1640. Sir William Boswell his acknowledgment that he hath received the King's directions, and my letters.

Sir William Boswell's third Letter to the Archbishop, sent with the larger Discovery of the Plot.

May it please your Grace,

Upon receipt of his Majesty's commands, with your Grace's letters of 9 and 18 Sept. last, I dealt with the party to make good his offers formerly put in my hand, and transmitted to your Grace: this he hopes to have done, by the inclosed, so far as will be needful for his Majesty's satisfaction; yet, if any more particular explanation or discovery shall be required by his Majesty, or your Grace, he hath promised to add thereunto whatsoever he can remember and knows of truth. And for better assurance and verification of his integrity, he professeth himself ready (if required) to make oath of what he hath already declared, or shall hereafter declare in the business.

A very good argument of truth and reality.

His name he conjures me still to conceal: though he thinks his Majesty and your Grace, by the character he gives of himself, will easily imagine who he is, having been known so generally through court and city, as he was for three or four years, in the quality and employment he acknowledgeth (by his declaration inclosed) himself to have held.

Therefore a man of note and employment.

Hereupon he doth also redouble his most humble and earnest suit unto his Majesty and your Grace, to be most secret and circumspect in the business, that he may not be suspected to have discovered, or had a hand in the same.

I shall here humbly beseech your Grace to let me know what I may further do for his Majesty's service, or for your Grace's particular behoof; that I may accordingly endeavour to approve myself, as I am,

Your Grace's most dutiful and obliged Servant,

WILLIAM BOSWELL.

Hague, 15 *Oct.* 1640.

The Archbishop's indorsement.

Received Octob. 14, 1640. Sir William Boswell in prosecution of the great business. If anything come to him in cyphers, to send it to him.

The large particular Discovery of the Plot and Treason against the King, Kingdom, and Protestant Religion; and to raise the Scottish Wars. 58

Most Illustrious and Reverend Lord,

We have willingly and cordially perceived that our offers have been acceptable both to his royal Majesty, and likewise to your Grace. This is the only index to us, that the blessing of God is present with you, whereby a spur is given, that we should so much the more cheerfully and freely utter and detect those things whereby the hazard of both your lives, the subversion of the realm and state, both of England and Scotland, the tumbling down of his excellent Majesty from his throne, is intended. Now, lest the discourse should be enlarged with superfluous circumstances, we will only premise some things which are merely necessary to the business.

Illustrissime ac Reverendissime Domine,

Aceepta suæ Regiæ Majestati simulac Reverentiæ Tuæ fuisse offerta nostra lubentes, et ex animo percepimus. Adesse vobis beniguitatem Numinis, hoc unicum nobis index est, quo stimulus datur, ut tanto alacrius, liberaliusque, illa quibus vitæ discrimen utriusque, statusque regni Angliæ, tum Scotiæ, eximiæ Majestatis sede deturbatio intendatur, effundamus, detegamus. Ne autem ambagibus superfluis dilatetur oratio, nonnulla, quæ tantum ad rem necessaria præmittemus.

The quality of the discoverer and means inducing him to reveal this plot.

They may first of all know, that this good man, by whom the ensuing things are detected, was born and bred in the Popish religion, who spent many years in ecclesiastical dignities. At length, being found fit for the expedition of the present design by the counsel and mandate of the Lord Cardinal Barbarino, he was adjoined to the assistance of Master Cuneus (Cun), by whom he was found so diligent and sedulous in his office, that hope of great promotion was given to him. Yet he, led by the instinct of the good Spirit, hath, howsoever it be, contemned sweet promises, and having known the

The Pope's Nuncio then in England.

Sciant primo, bonum istum virum per quem sequentia detegunter, in pulvere isto Pontificio esse natum et educatum, qui in dignitatibus Ecclesiasticis ætates consumpsit. Tandem præsentis negotii expeditioni par inventus, Consilio et Mandato Domini Cardinalis Barbarini, ad auxilium Domino Cuneo adjunctus est; penes quem in officio ita diligens ac sedulus inventus, ut spes magnæ promotionis ipsi data fuerit. Ipse vero, boni Spiritus ductus instinctu, ut dulcia promissa contempsit, agnitisque religionis Pontificiæ vanitatibus; (quarum alias defensor fuerat severissimus) malitia etiam

8 sub vexillo Papali militantium notata, gravari conscientiam suam senserat; quod onus ut deponeret, ad orthodoxam religionem animum convertit. Mox ut conscientiam suam exoneraret, machinatum in tot innocentes animas scelus revelandum censuit, levamen se percepturum, si in sinum amici talia effundat. Quo facto, ab eodem amico serio commonitus, versæ conversionis charitatisque exemplar ostenderet, liberaret ab imminenti discrimine innocentes tot animas: in cujus monita lubens consenserat, calamoque sequentia excipiendum dederat, ex quibus articuli non ita pridem tuæ Reverentiæ oblati luculenter explicari et demonstrari poterunt.

vanities of the Pontifician religion, (of which he had sometime been a most severe defender,) having, likewise, noted the malice of those who fight under the Popish banner, felt his conscience to be burdened; which burden, that he might ease himself of, he converted his mind to the orthodox religion. Soon after, that he might exonerate his conscience, he thought fit, that a desperate treason, machinated against so many souls, was to be revealed, and that he should receive ease, if he vented such things into the bosom of a friend: which done, he was seriously admonished by the said friend, that he should show an example of his conversion and charity, and free so many innocent souls from imminent danger: to whose monitions he willingly consented, and delivered the following things to be put in writing, out of which the articles not long since tendered to your Grace, may be clearly explicated and demonstrated.

I.

Ante omnia, ut cardo rei recipiatur, sciendum est, omnes istas, quibus tota Christianitas hodie concutitur, factiones, exoriri ab Jesuitica ista Chamea sobole, cujus quatuor per orbem luxuriant ordines.

Primi ordinis sunt Ecclesiastici, quorum religionis promotoria est curare.

Secundi ordinis sunt Politici, quorum officium est, statum regnorum, rerumque publicarum, quoquomodo intentare, turbare, reformare.

Tertii ordinis sunt Seculares, quorum proprium est, regibus, principibusque, ad officia sese ob-

1. First of all, that the hinge of the business may be rightly discerned, it is to be known, that all those factions with which all Christendom is at this day shaken, do arise from the Jesuitical offspring of Cham, of which four orders abound throughout the world. Four sorts of Jesuits.

Of the first order are Ecclesiastics, whose office it is to take care of things promoting religion.

Of the second order are Politicians, whose office it is by any means to shake, trouble, reform the state of kingdoms and republics.

Of the third order are Seculars, whose property it is to obtrude themselves into offices with kings

and princes, to insinuate and immix themselves in court businesses, bargains, and sales, and to be busied in civil affairs.

A good caveat to nobles and gentlemen, to beware they entertain not a Jesuit or Romish spy in their houses, instead of a servant.

Of the fourth order are Intelligencers, (or Spies,) men of inferior condition, who submit themselves to the services of great men, princes, barons, noblemen, citizens, to deceive (or corrupt) the minds of their masters.

We had need look about, when so many active traitors are harboured among us, even perchance at this present.

2. A Society of so many orders the kingdom of England nourisheth; for scarce all Spain, France and Italy can yield so great a multitude of Jesuits as London alone, where are found more than fifty Scottish Jesuits. There the said Society hath elected to itself a seat of iniquity, and hath conspired against the King, and the most faithful to the King, especially the Lord Archbishop of Canterbury, and likewise against both kingdoms.

Therefore both kingdoms need look to themselves.

3. For it is more certain than certainty itself, that the fore-named Society hath determined to effect an universal reformation of the kingdom of England and Scotland. Therefore the determination of the end, necessarily infers a determination of means to the end.

Strange, that such a Society should be erected under the Defender of the Faith.

4. Therefore, to promote the undertaken villany, the said Society dubbed itself with the title of, 'The Congregation of Propagating the Faith;' which acknowledgeth the Pope of Rome the head of the College, and Cardinal Barbarino his substitute and executor.

A strange world when a [illegible] Le- [illegible] ll be [illegible] ar- [illegible] ng [illegible] nd [illegible] e- [illegible] th [illegible] on-

5. The chief patron of the Society at London, is the Pope's Legate, who takes care of the business; into whose bosom these dregs of traitors weekly deposit all their intelligences. Now, the

trudere, insinuare, immiscere se rebus forensibus; emptionibus venditionibusque, et quæ civilia sunt occupari.

Quarti ordinis Exploratores sunt, sortis inferioris homines, qui servitiis magnatum, principum, baronum, nobilium, civium, sese submittunt, animis dominorum imposituri.

II.

Tot ordinum Societatem regnum Anglicanum alit: vix enim tota Hispania, Gallia et Italia tantam multitudinem Jesuitarum, quantam unicum Londinum, exhibere posset; ubi plus quam 50 Scoti Jesuitæ reperiuntur. Ibi sedem iniquitatis dicta Societas sibi elegit, conspiravitque in Regem, Regique fidelissimos, inprimis vero Dominum Archiepiscopum Cantuariensem, etiam in regnum utrumque.

III.

Certo certius enim est, determinasse Societatem nominatam, reformatione universali regnum Angliæ tum Scotiæ adficere. Determinatio ergo finis, infert necessario determinationem mediorum ad finem.

IV.

Ad promovendum ergo susceptum scelus, titulo 'Congregationis Fidei propagandæ,' dicta Societas sese insignivit; quæ caput Collegii Pontificem Romanum, substitutum et executorem Cardinalem Barbarinum agnoscit.

V.

Patronus Societatis primarius Londini, est Legatus Pontificius, qui curam negotii gerit; in cujus sinum fæx illa proditorum omnia explorata hebdomadatim deponit.

Impetrata autem est reseda Legationis istius Londini, Pontificis Romani nomine, qua mediante, Cardinali Barbarino agere in Regem regnumque tanto tutius faciliusque liceret. Nullus enim alias tam libere ambire Regem posset, quam ille qui Pontificia auctoritate palliatus sit.

residence of this Legation was obtained at London, in the name of the Roman Pontiff, by whose mediation it might be lawful for Cardinal Barbarino to work so much the more easily and safely upon the King and kingdom. For none else would so circumvent the King, as he who should be palliated with the Pope's authority.

If the King truly hate the Pope, it will make his instruments less effectual if they come in his name.

VI.

Fungebatur tum temporis officio Legati Pontificii Dominus Cuneus, conjuratæ Societatis instrumentum universale, et serius negotii promotor; cujus secreta, ut et aliorum exploratorum omnium, præsens vir bonus, communicator horum, excipiebat, expediebatque quo res postulabat.

6. Master Cuneus did at that time enjoy the office of the Pope's Legate, an universal instrument of the conjured Society, and a serious promoter of the business, whose secrets, as likewise those of all the other intelligencers, the present good man, the communicator of all these things, did receive and expedite whither the business required.

Pope's instruments are ever very active.

Adoriebatur Cuneus primaria regni capita, nihilque intentatum sivit, quomodo singula corrumperet et ad partem pontificiam inclinaret: variis incitamentis plurimos allicicbat; etiam Regem ipsum donationibus picturarum, antiquitatum, idolorum, aliarumque vanitatum Roma allatarum, deludendum quærebat, quæ tamen apud Regem nihil proficerant.

Cuneus set upon the chief men of the kingdom, and left nothing unattempted by what means he might corrupt them all, and incline them to the pontifician party: he enticed many with various incitements; yea, he sought to delude the King himself with gifts of pictures, antiquities, idols, and of other vanities brought from Rome, which yet would prevail nothing with the King.

Strange it was that the chief men should not set themselves against him and his, to send them packing hence; especially that the King himself did it not when he thus tempted and assaulted him.

Familiaritate inita cum Rege, rogatur sæpius Hantocurti, etiam Londini, Palatini causam ageret, interponeretque auctoritatem suam, intercessione Legato Coloniensi persuaderet, ut Palatinus in conditiones, proximis Comitiis de pace acturis, insereretur; quod quidem pollicitus est, contrarium vero præstitit. Scripsit quidem, rogatum se de talibus ab Rege fuisse, non consulere tamen, ut consentiatur, ne ab Hispanis fortasse dicatur, Pontificem Romanum principi hæretico patrocinatum fuisse.

Having entered familiarity with the King, he is often requested at Hampton Court, likewise at London, to undertake the cause of the Palatine, and that he would interpose his authority, and by his intercession persuade the Legate of Colen, that the Palatine, in the next Diet to treat of peace, might be inserted into the conditions; which verily he promised, but performed the contrary. He writ indeed, that he had been so desired by the King concerning such things, yet he advised not that they should be

That a Pope's Legate should be so familiar with the King, and the King make much of him, instead of banishing him, is a riddle.

Jesuits know well how to equivocate thus.

consented to, lest peradventure it might be said by the Spaniard, that the Pope of Rome had patronised an heretical prince.

If Popes must not favour Protestant princes, it's a miracle that they should favour them, or harbour any of their agents now near them.

In the meantime, Cuneus smelling from the Archbishop, most trusty to the King, that the King's mind was wholly pendulous (or doubtful), resolved, that he would move every stone, and apply his forces, that he might gain him to his party: certainly, confiding that he had a means prepared. For he had a command to offer a Cardinal's cap to the Lord Archbishop, in the name of the Pope of Rome, and that he should allure him also with higher promises, that he might corrupt his sincere mind. Yet a fitting occasion was never given, whereby he might insinuate himself into the Lord Archbishop (for the scorpion sought an egg); free access was to be impetrated by the Earl and Countess of Arundel, likewise by Secretary Windebank: the intercession of all which being neglected, he did fly the company or familiarity of Cuneus, worse than the plague: he was likewise persuaded by others of no mean rank, well known to him, neither yet was he moved.

The Archbishop therefore, and he, had some familiarity and acquaintance at first.

This offer appears under the Archbishop's own hand in the Journal of the Life.

The Papacy of Cant. and this other world is of greater value than an Italian cardinalship.

But he kept not him from the Court.

7. Another also was essayed, who hindered access to the detestable wickedness, Secretary Cook; he was a most bitter hater of the Jesuits, from whom he intercepted access to the King; he entertained many (of them) according to their deserts, he diligently inquired into their factions; by which means every incitement, breathing a magnetical (attractive) power to the Popish party, was ineffectual with

Jesuits are both diligent and able to remove their greatest opposites at Court from out of place and favour too.

Subolfecit interim Cuneus, ab Domino Archiepiscopo Regi fidelissimo, totum animum. Regium esse pendulum, omnem se moturum lapidem, nervosque adplicaturum statuerat, ut ad partem suam lucrari possit: paratum se 58
habere medium certo confisus. Mandatum enim habebat, pileum Cardinalem, nomine Pontificis Romani, Domino Archiepiscopo offerret, lactaretque pollicitis etiam sublimioribus, ut animum sincerum corrumperet. Commoda tamen occasio nunquam dabatur, qua Domino Archiepiscopo sese insinuare posset (quærebat enim scorpius ovum): per Comitem et Comitissam Arondelianam, etiam per Secretarium Windebankum, liber accessus impetrari debebat: quorum omnium intercessionibus neglectis, societatem vel familiaritatem Cunei peste pejus fugiebat: persuadebatur etiam ab aliis non infimis, ipsi bene notis, nec tamen commovebatur.

VII.

Quærebatur et alius qui ad facinus detestandum accessum impediebat, Secretarius Cook; erat is osor Jesuitarum infensissimus, quibus aditum ad Regem intercipiebat; excipiebat plurimos pro meritis, in illorum factiones sedulo inquirebat; quo nomine incitamentum omne, vim magneticam ad partem pontificiam spirans, erat apud ipsum inefficax; nihil enim tam carum

erat, quod ipsum ad pravum inclinasset. Hinc conjurationis patronis exosus factus, periclitabatur de officio ut exueretur; laborabatur per triennium, quod ultimo impetratum.

him; for nothing was so dear unto him, that might incline him unto wickedness. Hereupon being made odious to the patrons of the conspiracy, he was endangered to be discharged from his office; it was laboured for three years' space, and at last obtained.

It is admirable this faction should be so powerfully predominant as to displace the greatest and faithfullest officers.

Mansit nihilominus ab parte Regis nodus solutu difficilis; Dominus Archiepiscopus enim constantia sua sicuti durissimum sese interposuit saxum.

Yet notwithstanding there remained on the King's part a knot hard to be untied; for the Lord Archbishop by his constancy interposed himself as a most hard rock.

Laborasse se incassum ab parte Domini Archiepiscopi Cuneus cum intellexisset, efferbuit malitia ipsius, totiusque Societatis: mox insidiæ parari cœperunt, quibus Dominus Archiepiscopus una cum Rege caperetur.

When Cuneus had understood from the Lord Archbishop's part that he had laboured in vain, his malice and the whole Society's waxed boiling hot: soon after, ambushes began to be prepared, wherewith the Lord Archbishop, together with the King, should be taken.

Jesuits will be sure to move hell when they cannot prevail with heaven.

In Regem quoque (cujus gratia totum istud disponitur negotium) a quo quia nihil quod promovendæ religioni papisticæ inserviret speratur, (imprimis vero, cum animum suum aperuerit, se ejus opinionis esse, quemvis in religione sua dummodo vir probus et pius sit, salvari posse,) sententia lata est.

Likewise a sentence is passed against the King (for whose sake all this business is disposed), because nothing is hoped from him, which might seem to promote the popish religion (but especially when he had opened his mind, that he was of this opinion, that every one might be saved in his own religion, so as he be an honest and pious man).

Jesuits cannot endure neuters. If a man may be saved in any religion, he may safely embrace any, and cleave close to none.

VIII.

Ad perpetrandum susceptum facinus, executio criminalis Westmonasterii, per scripta nonnulla Puritanorum causata, primi incendii ansam dedit: quæ res ab Papistis apud Puritanos in tantum exacerbabatur, exaggerabaturque, ut si inulta maneret, religioni ipsis duceretur; cujus incendii subsequens tandem liber precum flammas auxit.

8. To perpetrate the treason undertaken, the criminal execution at Westminster, caused by some writings of Puritans, gave occasion of the first fire: which thing was so much exasperated and exaggerated by the Papists to the Puritans, that if it remained unrevenged, it would be thought a blemish to their religion; the flames of which fire the subsequent book of prayers increases.

The Bishop's tyranny against Puritans the best advantage and greatest advancement of Pope's designs.

IX.

In isto fervore expeditus fuit ad Scotos ab parte pontificia comes

9. In this heat, a certain Scottish earl, called Maxfield, if I mistake not, was expedited to the Scots by

He means the Scottish Prayer-book; the alterations whereof from the English were found in the

original copy under the Archbishop's own hand, when his chamber was searched.

the popish party, with whom two other Scottish earls, Papists, held correspondence: he ought to stir up the people to commotion, and rub over the injury afresh, that he might inflame their minds, precipitate them to arms, by which the hurtful disturber of the Scottish liberty might be slain.

quidam Scotus Maxfield, ni fallor nomine, cum quo duo alii comites Scoti papistæ correspondebant. Is commovere debebat plebem, injuriamque refricare, ut animos accenderet, ad arma præcipitaret, quibus noxius libertatis Scoticæ perimeretur turbator.

The Jesuits love to fish when the bishops trouble the streams with their innovations and Popish ceremonies.

The Jesuits the plotters and chief directors of the Scottish war.

10. There, by one labour, snares are prepared for the King; for this purpose the present business was so ordered, that very many of the English should adhere to the Scots; that the King should remain inferior in arms, who (thereupon) should be compelled to crave assistance from the Papists; which yet he should not obtain, unless he would descend into conditions, by which he should permit universal liberty of the exercise of the popish religion: for so the affairs of the Papists would succeed according to their desire. To which consent if he should show himself more difficult, there should be a present remedy at hand: for the King's son growing now very fast to his youthful age, (who is educated from his tender age, that he might accustom himself to the popish party,) the King is to be dispatched: for an Indian nut stuffed with most sharp poison is kept in the Society, (which Cuneus at that time showed often to me in a boasting manner,) wherein a poison was prepared for the King, after the example of his father.

X.

Ibi una opera paratus in casses Regi; eo enim directum esse præsens negotium, ut Anglorum complurimi sese adglutinarent Scotis: Rex armis maneret inferior, qui ab Papistis auxilia petere cogeretur; quæ tamen non impetraret, nisi in conditiones descenderet, quibus li- 588
bertatem universalem exercitii religionis pontificiæ permitteret; ita enim res Papistarum ad nutum succederent. Quo consensu si difficiliorem sese exhibuerit, remedium erit in promptu: adolescente enim cum primum regio filio, (qui a teneris, ut parti pontificiæ adsuescat, educatur,) de Rege actum est: nux quippe Indica acutissimo veneno referta in Societate servatur, (quam Cuneus tum temporis gloriabundus mihi ostentabat) quo Regi, exemplo patris, parabatur pharmacum.

The King tied to conditions by Papists before they asked him.

Now practised in Oxford, Wales, and the northern parts, by open toleration.

The more shame and pity, and a good caveat for the Parliament henceforth to look to it.

The King then must needs be in great danger among Papists now. Jesuits make but a vaunt of poisoning kings.

The Jesuits, it seems, knew very well King James was poisoned, before by some of their instruments.

11. In this Scottish commotion, the Marquess of Hamelton, often despatched to the Scots in the name of the King, to interpose the royal authority, whereby the heat of minds might be mitigated, returned notwithstanding as often without

XI.

In ista commotione Scotica Marquesse d'Hamelton sæpius Regis nomine ad Scotos ablegatur, regiam auctoritatem interponeret, qua æstus animorum mitigaretur, sine fructu tamen, reque infecta toties

rsus. Ipsius concionator tum
ioris nos adiit, qui cum Cuneo
ete nonnulla communicavit.
rrogatus a me, joco; Num etiam
ei cum Samaritanis conveni-
? Ad quæ Cuneus respondit,
am omnes ministri tales ut
essent: conjiciatur hinc quid-
ue.

XII.

ibus sic stantibus, ab Cardinali
elieu, Dominus Thomas Came-
s, sacellanus et eleemosynarius
s, natione Scotus, Londinum
lit, qui Collegio Societatis con-
æ adsidere debebat, remque
agere, nihil intentatum relin-
e, quo primus exasperaretur
r. Quo officio honorarium
opatus erat ipsi pollicitum.
abitabat et Societati per qua-
menses; nec prius disceden-
licebat, donec rebus ex voto
tibus, cum bonis novis redux
possit.

XIII.

valliero Tobias Mathei, sacer-
Jesuita, ordinis Politicorum,
pitibus primariis homo vigi-
isimus, cui nunquam tam cha-
cubile, quo caput reclinet, ad
n tantum, hora una atque
, somno corpus reficit; nec
ec nocti machinamentis par-
ir summe noxius et ipsa Regis
que Angliæ pestis; homo im-
ntissimus, qui per omnia con-
epulasque, vocatus vel non
us, volitat; nunquam quietus,
er in actione, motuque perpe-
singulis conversationibus su-
rum immiscuit; urget fami-
colloquia, ut animos hominum
caretur: quicquid inde ad

fruit, and without ending the busi-
ness. His chaplain at that time
repaired to us, who communicated
some things secretly with Cuneus,
Being demanded of me in jest,
whether also the Jews agreed with
the Samaritans? Cuneus thereunto
answered, Would to God all minis-
ters were such as he: what you
will, may be hence conjectured.

It seems some noblemen's chaplains are but the Pope's and Jesuits' intelligencers, if not their confederates.

12. Things standing thus, there
arrived at London from Cardinal
Richelieu, Mr. Thomas Chamber-
lain, his chaplain and almoner, a
Scot by nation, who ought to assist
the College of the Confederated
Society, and seriously to set for-
ward the business, to leave nothing
unattempted, whereby the first
heat might be exasperated. For
which service he was promised the
reward of a bishopric. He co-
habited with the Society four
months' space; neither was it law-
ful for him first to depart, until
things succeeding according to his
wish, he might be able to return
back again with good news.

All foreign Popish states contribute their best assistance to reduce England to Rome.

A meet guerdon for such a service. Jesuits will not give over acting, till they accomplish their designs.

13. Sir Toby Matthew, a Jesuited
priest, of the order of Politicians,
a most vigilant man of the chief
heads, to whom a bed was never
so dear, that he would rest his
head thereon, refreshing his body
with sleep in a chair for an hour
or two; neither day nor night
spared his machinations; a man
principally noxious, and himself
the plague of the King and king-
dom of England; a most impudent
man, who flies to all banquets and
feasts, called or not called; never
quiet, always in action and perpe-
tual motion; thrusting himself into
all conversations of superiors; he
urgeth conferences familiarly, that
he may fish out the minds of men;

Bishops' sons ofttimes the Pope's greatest agents. His industrious activity should shame our slothfulness.

whatever he observeth thence, which may bring any commodity or discommodity to the part of the conspirators, he communicates to the Pope's legate; the more secret things he himself writes to the Pope, or to Cardinal Barbarino. In sum, he adjoins himself to any man's company; no word can be spoken, that he will not lay hold on, and accommodate to his party. In the meantime, whatever he hath fished out, he reduceth into a catalogue, and every summer carrieth it to the General Consistory of the Jesuits Politics, which secretly meets together in the province of Wales, where he is an acceptable guest. There councils are secretly hammered which are most meet for the convulsion of the ecclesiastic and politic estate of both kingdoms.

The Protestants' want of such mutual correspondency and intelligence is a great weakening to their cause. Let them learn wisdom by their enemies.

A fit place for their intelligence and correspondency with Ireland, lying in the midst between both.

14. Captain Read, a Scot, dwelling in Longacre-street, near the Angel tavern, a secular Jesuit, who for his detestable office performed (whereby he had perverted a certain minister of the Church, with secret incitements to the Popish religion, with all his family, taking his daughter to wife), for a recompence obtained a rent or impost upon butter, which the country people are bound to render to him, procured for him from the King, by some chief men of the Society, who never want a spur, whereby he may be constantly detained in his office. In his house the business of the whole plot is concluded, where the Society, which hath conspired against the King, the Lord Archbishop, and both kingdoms, meet together, for the most part every day: but on the day of the carrier's (or post's) despatch, which

The Jesuits now make good use of all nations and instruments.

O that such Romish seducers should obtain such power and rewards, for being seducing instruments!

The Jesuits, it seems, are very powerful at Court.

partes conjuratorum commodi vel incommodi concernere advertit, Legato Pontificio communicat; secretiora ipse ad Pontificem vel Cardinalem Barbarinum præscribit. In summa, cuivis societati sese adglutinat; nullum verbum effari potest, quod ipse non arripiat et ad partes suas accommodet. Quicquid interea temporis expiscatus, in catalogum redigit, et quavis æstate ad Consistorium generale Jesuitarum politicorum, quod in provincia Wallensi secreto concurrit, hospes acceptus defert. Ibi tacite consilia cuduntur, quæ ad convulsionem status ecclesiastici, tum politici, regni utriusque sunt aptissima.

XIV.

Capitaneus Reda, Scotus, habitans in platea Longaker, prope tabernam Angeli, Jesuita secularis, 59
qui ob detestandum officium præstitum (quo ministrum quendam Ecclesiæ incitamentis dulcibus ad religionem Papisticam tota cum familia ipsius perverterat, filia ipsius in uxorem ducta), pro repensa obtinuit reditus vel vectigal butiraceum, quod rustici sibi præstare tenentur, adquisitum ipsi ab Rege, per nonnullos Societatis præcipuos, cui stimulus nunquam deficit, quo in officio constans detineatur. In ipsius ædibus rei totius peragitur negotium, ubi Societas quæ in Regem et Dominum Archiepiscopum, regnumque utrumque conjuravit, plerumque diebus singulis concurrit: die vero expeditionis tabellarii, quæ ordinarie est dies Veneris, tanto frequentiores; tum enim om-

nes exploratores conveniunt, quæ quisque ea hebdomada expiscatus est, in commune conferunt; qui ut extra suspicionem sint, secreta sua per Tobiam Mathei vel ipsum Redam, ad legatum Pontificium amandant; ipse fasciculum compactum, quem ab exploratoribus nundinatus est, Romam transmittit.

is ordinarily Friday, they meet in greater numbers; for then all the intelligencers assemble, and confer in common, what things every of them hath fished out that week; who, that they may be without suspicion, send their secrets by Toby Matthew, or Read himself, to the Pope's Legate; he transmits the compacted packet, which he hath purchased from the intelligencers, to Rome.

The Pope's weekly intelligence at Rome, from hence, can produce no good to England.

Apud eundem Redam deponuntur literæ Roma illatæ, sub titulis et nominibus fictis, quæ per ipsum singulis ad quos spectant traduntur; illorum enim omnium et singulorum nomina ipsi sunt cognita.

With the same Read, the letters brought from Rome are deposited, under feigned titles and names, who by him are delivered to all, to whom they appertain; for all and every of their names are known to him.

Jesuits know how to conceal their names and lodgings.

Eadem ipsa occasione adferuntur etiam literæ, sub coperta Patris Philippi (ipso tamen rerum nescio), a quo conjuratis distribuuntur.

Upon the very same occasion, letters also are brought hither under the covert of Father Philip, (he notwithstanding being ignorant of things,) from whom they are distributed to the conspirators.

Habetur in illis ipsis ædibus sacellum publicum; cui Jesuita ordinarius consecrat, ibidemque habitat. In dicto sacello Missæ celebrantur quotidie a Jesuitis; baptismoque liberis domesticis et nonnullorum conjuratorum inservitur.

There is in that very house a public chapel, wherein an ordinary Jesuit consecrates, and dwells there. In the said chapel, Masses are daily celebrated by the Jesuits, and it serves for the baptizing of the children of the house, and of some of the conspirators.

There are more Popish chapels in and about London, than are commonly known.

Qui in nominatis ædibus concurrunt, rhedis vel equis, frequenter habitu politico, magnoque comitatu, quo palliantur ne innotescant; Jesuitæ tamen sunt, et membra Societatis conjurata.

Those who assemble in the forenamed house, come frequently in coaches, or on horseback in laymen's habit, and with a great train, wherewith they are disguised, that they may not be known; yet they are Jesuits, and conjured members of the Society.

Jesuits can counterfeit any habit or part to delude the vulgar.

XV.

Hoc cœtu contribuitur ab omnibus Papistis Angliæ, ne quidquam ad promovendum susceptum negotium deficiat. In quem fiscum, unica vidua, proprietaria olim ædi-

15. All the Papists of England contribute to this assembly, lest anything should be wanting to promote the undertaken design. Upon whose treasury, one widow, owner of the houses, wherein

Papists' large contributions to undermine our religion, should make us liberal to defend it.

Secretary Windebank now dwelleth, dead above three years since, bestowed four hundred thousand English pounds; so likewise others contribute above their abilities, so as the business may be promoted unto its desired end.

Jesuits are as wise as serpents, though not so innocent as doves.

16. Besides the foresaid houses, there are conventicles also kept in other more secret places, of which verily they confide not even among themselves, for fear lest they should be discovered. First, every of them are called to certain inns, (one not knowing of the other;) hence they are severally led by spies to the place where they ought to meet, otherwise ignorant where they ought to assemble, lest peradventure they should be surprised at unawares.

The Jesuits learn of the serpent to seduce men by female instruments to their ruin. Her voyage to Rome to visit the Pope, made her frequently to visit his Legate.

17. The Countess of Arundel, a strenuous she-champion of the Popish religion, bends all her nerves to the universal reformation; whatsoever she hears at the King's court, that is done secretly or openly, in words or deeds, she presently imparts to the Pope's Legate, with whom she meets thrice a day, sometimes in Arundel-house, now at the Court, or at Tarthal. He scarce sucks such things by the claw.

The Countess belike was his forerunner thither.

The Earl himself called now about three years since, this year, ought to go to Rome; without doubt to consult there of serious things, concerning the design. With gifts and speeches the Jesuits watch diligently to their masses.

No wonder the Earl's debts be so great.

At Greenwich at the Earl's costs, a feminine school is maintained, which otherwise is a monastery of nuns; for the young girls therein are sent forth hither and thither into foreign monasteries beyond the seas.

um, quas modo Secretarius Windebank inhabitat, ante triennium defuncta 40,000 librarum Anglicarum, contulit; sic et alii etiam cita vires faciunt, modo ad optatum finem promoveatur negotium.

XVI.

Præter nominatas ædes, etiam per alia loca secretiora fiunt conventicula, de quibus ne inter se quidem fidunt, metu ne disparetur. Convocantur primo ad certa diversoria singuli, (alter alterius inscius;) hinc per exploratores ad locum ubi convenire debent, singuli deducuntur, ignari alias ubi conventuri sint, ne forte insperato obruantur.

XVII.

Comitissa d'Arondel, strenua Pontificiæ religionis propugnatrix, ad reformationem universalem omnes nervos intendit; quicquid ad aulam Regis, secrete vel aperte, verbis vel factis geritur, Legato Pontificio insinuat, cum quo ad minimum ter de die, modo in ædibus Arondelianis, jam ad aulam vel Tarthalæ cum ipso congreditur. Ex ungue talia vix exsugit.

Ipse Comes vocatus jam a trien- 5
nio hoc anno ire debebat Romam; acturus ibi dubio procul de seriis, negotium concernentibus. Donis dictionibusque suis, Jesuitæ missis invigilant.

Grinwici, impensis Comitis, schola fœminea sustentatur; quæ alias monasterium monialium est; adultæ enim inibi juvenculæ, hic inde per extera transmarina monasteria emittuntur.

XVIII.

Dominus Porter, cubicularius regius, Pontificiæ religioni addictissimus, Regis infensus hostis, is ipsius secretissima quæque Legato Pontificio aperit, quamvis rarissime cum ipso conveniat; uxor tanto sæpius, quæ ab marito informata Legato secreta confidit: in omnibus suis actionibus Tobiæ Mathei nihil cedit; effari non potest qualiter negotio invigilet.

18. Mr. Porter of the King's bedchamber, most addicted to the Popish religion, is a bitter enemy of the King; he reveals all his greatest secrets to the Pope's Legate; although he very rarely meets with him, yet his wife meets him so much the oftener, who being informed by her husband, conveys secrets to the Legate. In all his actions he is nothing inferior to Toby Matthew; it cannot be uttered how diligently he watcheth on the business.

Is not the King in great danger who hath such a person in his bed-chamber, now Keeperof the Great Seal?

Filii ipsius in religione Pontificia occulte informantur; aperte, Reformatam profitentur. Major natu officium patris suscepturus, sub Rege futuro: alteri, si negotium bene successerit, pileus cardinalis paratus est.

His sons are secretly instructed in the Popish religion; openly, they profess the Reformed. The eldest is now to receive his father's office under the King which shall be; a cardinal's hat is provided for the other, if the design shall succeed well.

Both King and Prince have Jesuitical agents in their bed-chambers.

Ante triennium ablegari debebat dictus Dominus Porter a Rege Marochum: prohibitus fuit ab Societate, ne moram pateretur negotium.

Above three years past, the said Mr. Porter was to be sent away by the King to Morocco; but he was prohibited by the Society, lest the business should suffer delay thereby.

All businesses and employments must be set aside to promote this plot.

Patronus est Jesuitarum, quibus, ad exercitium religionis, sacella domi forisque subministrat.

He is a patron of the Jesuits, for whom for the exercise of religion he provides chapels both at home and abroad.

XIX.

Secretarius Windebank, Papista acerrimus, Regi omnium infidelissimus, qui non solum secretissima etiam quæque regia prodit et revelat, sed etiam consilia, quibus optime negotio consuleretur, communicat. Ipse ad minimum ter in hebdomada, per nocturna con-
93 venticula cum Legato conversatur; injungitque quæ scitu digna cogitat; cujus causa, ædes vicinas Legati domo conduxit, quem sæpius per portam horti adit; hac enim vicinitate facilitatur congressus.

19. Secretary Windebank, a most fierce Papist, is the most unfaithful to the King of all men, who not only betrays and reveals even the King's greatest secrets, but likewise communicates counsels, by which the design may be best advanced. He at least thrice every week converseth with the Legate in nocturnal conventicles, and reveals those things which he thinks fit to be known; for which end, he hired a house near to the Legate's house, whom he often resorts to through the garden door; for by this vicinity the meeting is facilitated.

A Jesuitical Secretary; his flight and Articles in Parliament confirm all this and more.

rino; tertio, quo secretiora nonnulla communicanda occultat.

Quæcunque per hebdomadam ab Societate aut aliis exploratoribus excepit, illa uno fasciculo consarcinat, sub inscriptione, 'Al Monsignor Stravio Archidiacono di Cambray,' dedicat; ab quo tandem promoventur Romæ.

His ita constitutis, si singula ad trutinam ponantur, satisfiet in specie omnibus articulis propositis.

Barbarino only; a third, wherewith he covers some great secrets to be communicated.

Whatever things he either receiveth from the Society, or other spies, those he packs up together in one bundle, dedicated under this inscription, 'To Monsieur Stravio, Archdeacon of Cambray;' from whom at last they are promoted to Rome.

These things being thus ordered, if everything be laid to the balance, it will satisfy in special all the articles propounded.

QUIBUS,

1.

Conjuratio in Regem, et Dominum Archiepiscopum detegitur; media quibus exitium utrique minatur, demonstratur.

2.

Pericula regno utrique imminentia recensentur.

3.

Exortus incendii illius Scotici et progressus enarratur.

4.

Media quibus turbæ istæ Scoticæ sedari possint, suggeruntur; postquam enim resciverint Scoti, a quibus et in quem finem animi ipsorum accendantur, consulent sibi propere; neque utriusque partis vires succumbere sinent, ne medius sese interponat qui utramque quærit.

5.

Quo ense Regis petatur jugulum, etiam turbis istis sopitis, Cunei confessio, oculataque demonstratio docet.

WHEREIN,

1.

The conspiracy against the King [and Lord Archbishop is detected]; and the means whereby ruin is threatened to both, demonstrated.

2.

The imminent dangers to both kingdoms are rehearsed.

3.

The rise and progress of that Scottish fire is related.

4.

Means whereby the Scottish troubles may be appeased, are suggested; for after the Scots shall know by whom and to what end their minds are incensed, they will speedily look to themselves; neither will they suffer the forces of both parts to be subdued, lest a middle party interpose, which seeks (the ruin) of both.

A good caveat for England now.

5.

With what sword the King's throat is assaulted, even when these stirs shall be ended, Cuneus his confession, and a visible demonstration, showeth.

6.

The place of the assembly in the house of Captain Read, is nominated.

7.

The day of the eight days' despatch by Read and the Legate is prescribed.

8.

How the names of the conspirators may be known.

9.

Where this whole congregation may be circumvented.

10.

Some of the principal unfaithful ones of the King's party are notified by name; many of whose names occur not, yet their habitations are known; their names may be easily extorted from Read.

If these things be warily proceeded in, the strength of the whole business will be brought to light; so the arrow being foreseen, the danger shall be avoided; which that it may prosperously succeed, the Omnipotent Creator grant.

6.

Locus congregationis, in aedibus Capitanei Readæ, nominatur.

7.

Dies expeditionis octidux per Readam et Legatum injungitur.

8.

Quomodo nomina conjuratorum innotescere possent.

9.

Ubi tota ista congregatio posit circumveniri.

10.

Infideles nonnulli ab parte Regis præcipuorum de nomine notificatur; plures, quorum nomina non occurrunt, habitationes tamen notæ sunt; de nomine facile ab Reda extorqueri poterunt.

Si caute in his procedetur, nervus totius negotii in apricum prodibit; ita sagitta prævisa, effugietur periculo; quod ut succedat prospere, Creator Omnipotens faxit.

The Archbishop's indorsement with his own hand.

Recc. Octob. 14, 1640. The narration of the great Treason, concerning which he promised to Sir William Boswell to discover against the King and State.

A further Evidence and Confirmation of some things in the Relation concerning the Archbishop of Canterbury.

The relation of this horrid Plot by a chief actor in it, (with which the Archbishop acquainted the King, not many days before this Parliament began,) lay concealed among the Archbishop's papers, [without any prosecution of the conspirators (for aught appears), who are since dispersed in part by the Parliament[a],] but neither dissolved, nor taken off this plot, but more active in it; putting forth their last and utmost endeavours in all places to accomplish this their design, which they have almost brought to maturity, to our shame and grief, by new raised civil wars both in Ireland and England.

Two things in this plot which concern [the Archbishop] may perchance seem strange to different sorts of men.

First, that [the Pope's Legate should presume to tempt the Archbishop with the offer of a cardinal's cap], and that certainly no such proffer was ever made unto him. But to put this out of question: the Bishop himself, under his own hand, among other memorials in the Journal of his Life, (found in his pocket,) hath these two remarkable notes:— '*Anno* 1633, August 4, Sunday, News came to Court of the Lord Archbishop of Canterbury's death, and the King resolved presently to give it me. That very morning, at Greenwich, there came one to me seriously, and that avowed ability to perform it, and offered me to be a Cardinal. I went presently to the King and acquainted him both [with the thing and person.]' 'August 17, (the same month,) Saturday, I had a serious offer made me again to be a Cardinal. I was then from Court; but so soon as I came hither, (which was Wednesday, August 21,) I acquainted his Majesty with it. But my answer again was, that somewhat dwelt within me that would not suffer that till Rome were other than it is.' So that by his own Notes it appears a cardinal's cap was twice proffered him very seriously, and that he acquainted the King with it; [not by way of complaint[b]] to crave justice against [the party who durst presume to tempt him with such a foreign dignity, to be the Pope's sworn instrument, but by way of advice, and to sound his Majesty's opinion hereof, as his answer] imports[c]. Neither did he absolutely disclaim the dignity itself, as if he might in no case accept it, but conditionally, till Rome should be other than it is now, [and then he would not refuse it[d].]

This must needs be the Legate, or one employed from him.

7 Indeed, the Archbishop in his Reply to Fisher, [challengeth[e]] this title, 'Patriarch of another world,' as his due, being given to his predecessor Page 171.

[a] I did all I could; and the whole business was examined at a Committee of Lords, his Majesty being present. And Sir William Boswell's last answer to these Lords Committees came after I was committed, when it lay not in my power to follow it any further.

[b] Yes, by complaint.

[c] Most false.

[d] This is added.

[e] It is no challenge neither.

Anselme; and therefore cannot brook any other Pope (in point of sovereignty) to lord it over him here; and this made him refuse the cap. But had he resisted the Legate's landing or continuance here, which he never [did, for aught appears, but entertained some familiarity with him [f]] at first, though they afterwards grew more strange; or peremptorily refused the first offer with indignation, [thrust out the Legate or offerer by head and shoulders, prosecuted him [g]] (as he did poor innocent Puritans) [upon the statute of 23 Eliz. c. 1, as a traitor, for attempting to seduce and subject him to the See of Rome;] or brought him [publicly into the Star-Chamber, or High-Commission] as he did some others for lesser pretended crimes and scandals; he had discharged the part of a good zealous Prelate and Protestant; but here was no such proceeding in this case. The very parties that tendered this cap, [presuming some good inclination in him to accept it[h]] and to the Romish Church, which he maintains to be a true Church, wherein men are, and may be saved; and the second proffer following so soon at the heels of the first, intimates that the first was in such sort entertained by him, as rather encouraged, than discouraged the party to make the second. And his second consultation with the King concerning it, insinuates, that [the King rather inclined to, than against it;] or at leastwise left it arbitrary to him to accept or reject it, as he best liked. As for his severity in prosecuting Papists, it appears by his epistle to the King, before his conference with the Jesuit Fisher, where he useth these speeches of his carriage towards them; 'God forbid that I should persuade a persecution in any kind, or practise it in the least [against Priests and Jesuits [i]]. For, to my remembrance, I have not given him or his so much as cross language.' Therefore he is no great enemy to them.

The second thing which may seem strange to others is this; that the Pope's legate and Jesuits should ever hate, or conspire his death, unless he were an utter enemy to all Popery, Papists, and the Church of Rome; which admits an easy answer. The truth is, the Bishop being very pragmatical and wilful in his courses, could not well brook pragmatical peremptory Jesuits, who in Popish kingdoms are in perpetual enmity with all other orders, and they with them; they having been oft banished out of France and other realms by the Sorbonists, Dominicans, and other orders; no Protestants writing so bitterly against these Popish orders as themselves do one against the other; yea, the priests and Jesuits in England were lately at great variance, and persecuted one another with much violence. This is no good argument then [that the Archbishop held no correspondence with priests and other orders], and bare no good affection to the Church of Rome, in whose superstitious ceremonies he outstripped many priests themselves. What cor-

See the General Hist. of France in the Life of Hen. III. and IV.

See the English Pope. [p. 19. Lond. 1643.]

[f] Most false.

[g] I could not prosecute him: nor the author of this tract, had he been in my place.

[h] The slanderous tongues of your faction made him presume anything.

[i] These words are not mine. Besides, take the whole sentence; and then, &c.

respondency he held with [Franciscus de Sancta Clara, with other] 3 priests, and [Dr. Smith, Bishop of Chalcedon[k],] whom the Jesuits persecuted, and got excommunicated (though of their own Church and religion), is at large discovered in a book, intituled, 'The English Pope;' and by the Scottish Common-Prayer Book found in the Archbishop's chamber, with all those alterations, wherein it differs from the English, [written with his own hand[l];] some of which smell very strongly of Popery: as namely, his blotting out of these words at the delivery of the bread and wine in the sacrament, 'Take, and eat this, in remembrance that Christ died for thee; and feed on Him in thy heart by faith with thanksgiving: Take, and [drink this, in remembrance that] Christ's blood was shed for thee,' &c., and leaving only this former clause[m] (the better to justify and imply a [corporal[n]] presence of Christ in the sacrament), 'The body of our Lord Jesus Christ, which was given for thee: the blood of our Lord Jesus Christ, which was shed for thee, preserve thy body and soul unto everlasting life.' And this Popish rubric written with his own hand, 'The Presbyter, during the time of consecration, shall stand at the middle of the altar, where he may with more ease and decency use both his hands, than he can do, if he stand at the north-end:' with other particulars of this kind. Moreover, in his book of Private Devotions, written with his own hand, he hath (after the Romish form) reduced all his prayers to canonical hours. And in the memorials of his life, written with his own hand, there are these suspicious passages, among others, besides the offer of the Cardinal's cap:—'*Anno* 1631, June 21 & 26. My nearer acquaintance began to settle with Dr. S. God bless us in it.' 'Junii 25. Dr. S. with me at Fulham *cum Ma.*' &c. [meant of Dr. Smith, the Popish Bishop of Chalcedon, as is conceived[o].] 'Jun. 25. Mr. [Fr. Windebank[p], my old friend,] was sworn Secretary of State, which place I obtained for him of my gracious master King Charles.' What an arch-papist and conspirator he was the plot relates, and his flight into France 'for releasing Papists and Jesuits out of prison, and from executions, by his own warrants, and imprisoning those officers who apprehended them,' confirms. [About this time Dr. Theodore Price, Sub-dean of Westminster, a man very intimate with the Archbishop[q],] and recommended specially to the King by him to be a Welsh bishop, (in opposition to the Earl of Pembrook, and his Chaplain, Griffith Williams,) soon after died a reconciled Papist, and received extreme unction from a priest: *noscitur ex comite*. August 30, 1634, he hath this memorial: 'Saturday, at Oatlands, the Queen sent

With which his speech in Star-Chamber agrees; there it is, 'Hoc est corpus meum,' &c.

To elevate the *hostia*, as Papists do.

See the Articles against him in Parliament.

[k] I had none with either of them. And have received blame from some great men, that I would not make use of them, as my predecessors have done.

[l] I had good reason to write them in my own hand. Yet shall they never be proved to be all mine. And if they were, yet, &c.

[m] This is according to the first book of Edw. VI.

[n] This is no greater proof of corporal presence, than the retaining of it is only to make a bare remembrance, &c.

[o] It was never meant of Dr. Smith.

[p] I hope I shall not answer for other men, if they prove not as they should.

[q] He was more inward with another Bishop, and who laboured his preferment more than I.

for me, and gave me thanks for a business with which she trusted me; her promise then that she [would be my friend[r]], and that I should have immediate address to her, when I had occasion.' All which considered, together with [his Chaplains[s]] licensing divers Popish books, with their expunging most passages against Popery out of books brought to the press, with other particulars commonly known, will give a true character of his temper, that he is [another Cassander[t]], or middle man, between an absolute Papist and a real Protestant, who will far sooner [u] hug a Popish priest in his bosom, than take a Puritan by the little finger: an absolute Papist in all matters of ceremony, pomp, and external worship, (in which he was over-zealous, even to an open [bitter persecution of all conscientious ministers[u]], who made scruple of them,) if not half an one at least in doctrinal tenets. How far he was guilty [of a conditional voting[v] the breaking up the last Parliament before this was called, and for what end it was summoned, this other memorial under his own hand will attest: 'Decemb. 5, 1639, Thursday, The King declared his resolution for a Parliament, in case of the Scottish rebellion: the first movers to it were my Lord Deputy of Ireland, my Lord Marquess Hamilton, and myself, and a resolution voted at the Board to assist the King in extraordinary ways, if the Parliament should prove peevish and refuse,' &c. But of him sufficient, [till his charge (now in preparation[w]) shall come in.]

Observations on, and from the Relation of this Plot.

From the relation of the former plot by so good a hand, our own three realms, and all foreign Protestant States may receive full satisfaction.

First, that there hath been a most cunning, strong, execrable conspiracy long since contrived at Rome, and for divers years together most vigorously pursued in England with all industry, policy, subtilty, engines, by many active, potent confederates of all sorts, all sexes, to undermine the Protestant religion, re-establish Popery, and alter the very frame of civil government in all the King's dominions; wherein a most dangerous visible progress hath been lately made.

Secondly, that to effect this traitorous design, they have not only secretly erected some monasteries of monks, nuns, in and about London; but sent over hither whole regiments of most active subtile Jesuits, incorporated into a particular new Society, whereof the Pope himself is head, and Cardinal Barbarino his vicar; which Society was first discovered, and some of them apprehended in their private college at Clerkenwell (together with their books of account, relics, and massing

[r] Go potlids.
[s] My Chaplains have answered their faults; or may, when you please.
[t] Who told you so?
[u] Utterly false.
[x] I helped on that Parliament. And Sir Henry Vane was the man that brake it, for aught I know.
[y] When 'tis prepared, it shall be welcome to me, to have any end.

trinkets), about the beginning of the second Parliament of this King; yet such power, favour, friends they had then acquired, that their persons were speedily and most indirectly released out of Newgate without any prosecution, to prevent the Parliament's proceedings against them. Since which, this conjured Society increasing in strength and O number, secretly replanted themselves in Queen-street and Long-acre; and their purses are now so strong, their hopes so elevated, their designs so ripened, as they have there purchased, and founded [a new magnificent college] of their own for their habitation, near the fairest buildings of nobles, knights, and gentlemen, the more commodiously to seduce them.

Thirdly, that these Jesuits and conspirators hold weekly, constant, uninterrupted intelligence with the Pope and Romish Cardinals; and have many spies or intelligencers of all sorts about the king, court, city, noblemen, ladies, gentlemen, and in all quarters of the kingdom, to promote this their damnable plot.

Fourthly, that the Pope for divers late years hath had a known avowed Legate, Con by name, openly residing even in London near the court, of purpose to reduce the King and his kingdoms to the obedience of the Church of Rome; and the Queen at least, another Leger at Rome trading with the Pope, to facilitate the design, to wit, one Hamilton, a Scot, who receives a large pension out of the exchequer, granted to another Protestant of that name, who payeth it over unto him, to palliate the business from the people's knowledge; by which means there hath been a constant allowed negotiation held between Rome and England, without any open interruption.

Fifthly, that the Pope's Legate came over into England to effect this project, and kept his residence here in London, for the better prosecution thereof, by the King's own privity and consent. And whereas by 'the ancient law and custom of the realm yet in force, even in times of Popery, no Legate whatsoever coming from Rome ought to cross the seas, or land in England, or any the King's dominions, without the King's petition, calling and request; and before he had taken a solemn oath or protestation to bring and attempt nothing in word or deed to the prejudice of the rights, privileges, laws and customs of the King and realm:' this Legate [for aught appears] was here admitted without any such customary oath, which would have crossed the chief end of his legation, to prejudice all of them, and our religion too.

Antiq. Eccles. Brit. p. 322. [Lond. 1572.] Ead. [Hist. Nov.] lib. i. [p. 6. Lond. 1623.] and Fox, Acts and Mon. vol. i. edit. ult. p. 926. [Lond. 1641.]

Yea, whereas by the statutes of the realm it is made no less than 'high treason for any priests, Jesuits, or others, receiving orders or authority from the Pope of Rome, to set footing in England, or any the King's dominions, to seduce any of his subjects to Popery: and no Popish recusant' (much less then priests, Jesuits, and legates) 'ought to remain within ten miles of the city of London, nor come into the King's or Prince's courts, the better to avoid such traitorous and most dangerous conspiracies, treasons, and attempts as are daily devised and practised by them against the King and commonweal:' yet notwith-

23 Eliz. cap. 1; 35 Eliz. cap. 2; 3 Jac. cap. 3, 4, 5.

standing, this Pope's Legate, and his confederates, have not only kept residence for divers years in, or near London and the court, and enjoyed free liberty (without disturbance, or any prosecution of the laws against them) to seduce his Majesty's nobles, courtiers, servants, subjects everywhere, to their grief and prejudice; but likewise have had familiar access to, and conference with, the King himself (under the very name and authority of the Pope's Legate), by all arts, policies, and arguments, to pervert and draw him, with his three kingdoms, into a new subjection to the See of Rome, (as Cardinal Pool, the last Pope's Legate extant in 60
ce 1 and 2 hil. and lary. cap. 8. England before this in Queen Mary's reign, reconciled her and the realm to Rome, to their intolerable prejudice. An [act so inconsistent with the laws of the realm, with his Majesty's many ancient and late remonstrances, oaths, protestations to maintain the] Protestant religion, without giving way to any backsliding to Popery, in such sort as it was maintained and professed in the purest times of Queen Elizabeth, &c., as may well amaze the world, which ever looks more at real actions than verbal protestations.

Sixthly, that the Popish party and conspirators have lately usurped a sovereign power, not only above the laws and magistrates of the realm (which take no hold of Papists, but by the Parliament's late care against them here), but even over the King himself; who either cannot, or dares not (for fear, perchance, of poisoning, or other assassination) oppose or banish these horrid conspirators from his dominions and court, but hath a long time permitted them to prosecute this plot without any public opposition or dislike, by whose powerful authority and mediation, all may easily divine. Alas! what will become of the poor sheep, when the shepherd himself not only neglects to chase and keep out these Romish wolves, but permits them free access into, and harbour in the sheepfold, to assault, if not devour, not only his flock,
Joh. x. 10, 1, 12, 13. but person too? Either St. John was much mistaken in the character of a good shepherd, and in prescribing this injunction against such
2 Joh. 10, 11. seducers, 'If there come any unto you, and bring not this doctrine, receive him not into your house, neither bid him God speed: for he that biddeth him God speed, is partaker of his evil deeds:' and the Fathers and Canonists deceived in this maxim, 'Qui non prohibet
Gratian. caus. 23. [quæst. iii. cap. xi. 'ostendit'?] malum quod potest, jubet:' or else the premises cannot be tolerated or defended by any who profess themselves enemies, or opposites, to the Pope, Priests, or Church of Rome.

Seventhly, that these conspirators are so potent, as to remove from Court and public offices all such as dare strenuously oppose their plots, [(as the example of Secretary Cook[z], with other] officers lately removed in Ireland, evidence,) and plant others of their own party and confederacy both in his Majesty's court, privy council, closet, bedchamber, [if not bed,] and about the Prince, to corrupt them: and how those who are thus environed with so many industrious potent seducers of all sorts, who have so many snares to entrap, so many enticements to withdraw

[z] Sir Henry Vane wrought him out.

them, both in their beds, bedchambers, closets, councils, courts, whereever they go or come, should possibly continue long untainted, unseduced, without an Omnipotent protection, (of which none can be assured who permits or connives at such dangerous temptations,) is a thing scarce credible in Divine or human reason, if Adam's, Solomon's, and others' apostasies by such means be duly pondered. He who sails in the midst of dangerous rocks, may justly fear and expect a wrack.

Gen. iii. 1 Kings xi. Qui amat periculum, peribit in eo. [Ecclus. iii. 27.]

Eighthly, that the late Scottish trouble and wars were both plotted and raised by these Jesuitical conspirators, of purpose to force the King to resort to them and their Popish party for aid of men and money
2 against the Scots; and by colour thereof, to raise an army of their own, to gain the King into their power, and then to win or force him to what conditions they pleased; who must at leastwise promise them an universal toleration of their religion throughout his dominions ere they will yield to assist him. And in case they conquer or prevail, he must then come fully over to their party, or else be sent packing by them with a poisoned fig to another world, [as his father (they say) was;] (it's likely, by their instruments or procurement, they are so cognizant of it;) and then [the Prince, yet young, and well inclined to them already by his education], being got into their hands by this wicked policy, shall soon be made an obedient son of the Church of Rome. Thus the relater, a chief actor in this pre-plotted treason, discovers. And if his single testimony (though out of a wounded conscience) will not be believed alone, the ensuing circumstances will abundantly manifest the Scottish wars to be plotted and directed by them. For Con, the Pope's Legate, Hamilton, the Queen's agent, most of the Jesuits then about London, Captain Read their host, the Lord Sterling, with other chief actors in the plot, being all Scots, and employing Maxfield, and he two other Popish Scots, in raising these tumults; the Earl of Arundel, [another principal member of this conspiracy, being by their procurement made General of the first army against the Scots,] and most of his commanders Papists; the Papists in all counties of England (upon the Queen's letters directed to them) contributing large sums of money, besides men, arms, and horses, to maintain this war: Sir Toby Matthew (the most industrious conspirator in the pack) making a voyage with the Lord Deputy into Ireland to stir up the Papists there to contribute men, arms, moneys, to subdue the Scottish Covenanters; [yea, Marquis Hamilton's own Chaplain,] (employed as the King's Commissioner to appease these Scots,) [holding correspondency with Con, and resorting to him] in private, to impart the secrets of that business to him; the general discontent of the Papists and conspirators upon the first pacification of those troubles, which they soon after infringed, and by new contributions raised a second army against the Scots, when the English Parliament refused to grant subsidies to maintain the war:—all these concurring circumstances compared with the relation, will ratify it past dispute. that this war first sprung from these conspirators.

Chamberlain, Cardinal Richelieu his agent.

Ninthly, that the subsequent present rebellion in Ireland, and wars in

England originally issued from, and were plotted by the same conspirators. For the Scottish war producing this settled Parliament beyond their expectation, which they foresaw would prove fatal to this their long-agitated conspiracy, if it continued undissolved: thereupon some Popish Irish Commissioners coming over into England, and confederating with the Duchess of Buckingham, [Captain Read] and other of these conspirators, who afterwards departed secretly into Ireland, they plotted an universal rebellion, surprisal, and massacre of all the Protestants in that kingdom: which, though in part prevented by a timely discovery, securing Dublin, and some few places else, yet it took general effect in all other parts, to the loss of [about an hundred and forty thousand Protestants' lives] there massacred by them. And finding themselves likely to be overcome there by the Parliament's forces sent hence, and 601
from Scotland, to relieve the Protestant party: thereupon to work a diversion, they raised a civil bloody war against the Parliament here in England, procuring the King, [after Endymion Porter, a principal conspirator in the plot, had gained the custody of the Great Seal of England,] to issue out divers proclamations under the Great Seal, proclaiming the Parliament themselves traitors and rebels, to grant commissions to Irish and English Papists (contrary to his former proclamations) to raise Popish forces both at home and in foreign parts, for his defence, as his trusties: and most loyal subjects: to send letters and commissions of favour to the Irish rebels, and hinder all supplies from hence to the Protestant party. And withal they procured [the Queen] by the Earl of Antrim and Duchess of Buckingham's mediation, [to send ammunition to the Irish rebels,] and to attempt to raise an insurrection in Scotland too, as the 'Declaration of the Rise and Progress of the Rebellion in Ireland' more largely discovers. Seeing then all may clearly discern the exact prosecution of this plot, carried on in all these wars by the conspirators therein particularly nominated, by the Queen and Popish party in all three kingdoms, and in foreign parts too, who have largely contributed men, money, arms, ammunition, to accomplish this grand design, through the instigation of those conspirators in this plot who are gone beyond the seas, and have lately caused public proclamations to be made in Bruges, and other parts of Flanders, in July last, (as appears by the examination of Henry Mayo, since seconded by others, 'That all people who will now give any money to maintain the Roman Catholics in England, should have it repaid them again in a year's time, with many thanks;') the whole world must now of necessity both see and acknowledge (unless they will renounce their own eyes and reason) that this conspiracy and plot is no feigned imposture, but a most real perspicuous agitated treachery, now driven on almost to its perfection, the full accomplishment whereof (unless Heaven prevent it) the Catholics of England expect within the circuit of one year, as the forenamed proclamations intimate.

Tenthly, that no settled peace [was ever formerly intended, nor can now] be futurely expected in England or Ireland without an universal

public toleration (at the least) of [Popery, and a repeal and suspension of all laws against it;] this being the very condition in the plot which the King must condescend to, ere the Papists would engage themselves to assist him in these wars thus raised by them, for this end. And that none may doubt this verity, the late most insolent bold demands of the Irish rebels in the treaty with them, the present suspension of all laws against priests and recusants in all counties under his Majesty's power; [the uncontrolled multitudes of masses in his armies, quarters, Wales, the North, and elsewhere;] the open boasts of Papists every where, most really proclaim it. And if the King, after all their many years' restless labour, plot, costs, pains, and pretended fidelity to his cause against the Parliament, should deny these meritmongers such a diminutive reward as this is, (the very least they will expect,) now they have him, the Prince and Duke within their custody, Bristol, Chester, [Ireland,] all his forces in their power, this discoverer (an eye and ear-witness of his destiny from the Legate's own vaunt) will inform his Majesty, and all his Protestant subjects, (who will tremble at the very apprehension of it,) that they [have an Indian poisoned nut] reserved for him amongst this Jesuitical Society; or if it be lost, a poisoned knife perchance, or some other instrument, to dispatch him out of the world, and to get the possession and protection of the Prince, whom they will educate in their Antichristian religion; which how possible, how probable it is for them (considering their present power and endeavours to effect it,) their 'poisoning of the Emperor Henry the Seventh, in the sacred Host;' of King John 'in the Chalice;' their 'stabbing of Henry the Third of France with a knife in the belly;' of 'Henry the Fourth, his successor, first in the mouth, next in the heart-strings;' though all of their own religion, because they would not humour the Pope in every unreasonable demand, (though Henry the Fourth turned an apostate from the Protestant religion wherein he was bred, restored the Jesuits formerly banished out of France, rased the pillar erected in Paris, as a standing monument of their treasons against their sovereigns, and built them a stately college, to secure his life from their assassination, which yet would not save him from their butchery:') together with their pistolling of the Prince of Orange, [and poisoning of King James himself, (as the Legate boasted,)] may inform his Majesty, and all his faithful Protestant subjects, (especially such as by their confederating with them in these their wars, have done nought but executed their forenamed designs,) whom it concerns now very nearly, to prevent, if possible, such a sad catastrophe of that bloody tragedy which hath been acted overlong in Ireland and England, by these conspirators' foreplotted treasons. The execrable horridness and reality whereof, made the very discoverer of the plot, out of remorse of conscience, to desert the conspirators' conspiracy, and that bloody religion which begot it; and therefore should much more incite [all such in his Majesty's army] who are cordially faithful to their sovereign, religion, country, posterity, and have hitherto ignorantly

Grimston in his Life. [Hist. of the World, p. 603. Lond. 1615.] Fox, [vol. i. p. 333. Lond. 1641.] Speed [in King John, § 62. p. 506.] General History of France. Meteranus, [Hist. Belg. lib. xii. p. 363. Amst. 1597.] Grimston, [Hist. of the Netherlands, p. 730. Lond. 1627.] See Dr. Eglesham's book, ['The Forerunner of Revenge, &c., by George Eglisham, Doctor of Physic,' p. 14. Lond. 1642;] and the Commons' Charge against the Duke of Buckingham.

acted these conspirators' treasonable designs, under colour of serving the King, to consider with remorse of conscience, whose instruments they have thus long been, whose treasons they have ripened, what Protestant blood they have shed, how much they have weakened, impoverished, betrayed their own Protestant party, who have really stood for God, religion, king, country, parliament, against these Romish conspirators; and what hopes, what advantages they have given these confederates both in England and Ireland, to overtop, suppress, and ere long utterly to extirpate the Protestant religion, themselves, and all others who cordially profess it, as they have done many thousands of them already. And then upon all these sad, most serious considerations, (the very thoughts whereof should cause their souls to bleed and tremble,) speedily to desert these traitorous Papists, ere they get all into their power, [and unite all their heads, hearts, hands, forces, to the Parliament's party,] who had so good cause to 60
take up defensive arms, to prevent the imminent ruin, which otherwise is like to befal both king, kingdom, religion, parliament, liberty, property, posterity, ere we be aware; [especially since the most cowardly unworthy yielding up of Bristol, a fit inlet for the Irish rebels,] who have conspired to come over hither with all expedition, and [Welsh Papists to cut all our throats].

Eleventhly, that those Protestants who now side with Popish conspirators, when they have accomplished their designs, whatsoever they may now fancy to themselves, shall find no more mercy or favour from them, than the greatest Roundheads, if they comply not with them in all things, and even in Popery itself: for if they will not spare the King's own person and life, after so many favours, graces, extended to them, (as they will not, if we believe this relation, or the late story of King Henry the Fourth of France, yet fresh in memory,) what inferior person can think to be secure to fare better than the King himself? And if Con the Legate, to insinuate himself into the King's and [Palatine's favours] at the first, when he had no interest in them, would not so much as advise the Legate of Cologne to mediate for the Palsgrave, lest peradventure the King of Spain should report, that the Pope had patronised an heretical prince, as the relation attests, though he promised the King effectually to do it; how [can Prince Rupert, Maurice, or any other commanders in the King's army, when they have fully accomplished the Pope's, and these his instruments' designs,] (under whose banner they ignorantly, yet really militate, and promote his cause, instead of the King's and kingdom's, to whom they and others have been so much engaged,) hope to receive the least dram of favour, pity, much less any recompence from the Pope and Popish party, if they continue heretics still, notwithstanding all their present goodly promises? Will they part with any other inheritances to them, then, who will not so much as now mediate for them to regain their own? Will these, who have butchered so many thousands of innocent Protestants in Ireland, in England, even before they were sure of the day, without

any provocation given, spare any mother's son of them alive, if they once erect their trophies over them? Certainly the experience of all former ages, compared with the present, may fully resolve all, that 'the very tender mercies of these wicked ones,' will be nought 'but extreme cruelty;' and if they prevail, we all must perish, without distinction, sooner or later, unless we will turn apostates, and lose our religion, God, heaven, souls, to save our transitory lives.

Finally, therefore, let the serious consideration of all the premises instruct us, to learn wisdom from these our adversaries; let their indefatigable industry, subtile policy, sincere fidelity, cheerful constancy, bountiful liberality, fraternal unanimity, undaunted magnanimity, indissolvable confederacy, and uninterrupted pertinacy in prosecuting, establishing, propagating their Antichristian religions, treasons, designs, excite all Protestants, [(according to their several late covenants and
96 protestations much forgotten,)] to equalize, if not transcend them in all these, in defending, securing, propagating our true Christian religion, protecting our king, kingdoms, parliament, laws, liberties, posterities, all we yet have, or hereafter hope for, from that imminent ruin, which these Popish conspirators threaten to them. Forewarned, forearmed. If now we perish through our own private dissensions, folly, cowardice, covetousness, treachery, or security, or [monstrous credulity] that these conspirators and Papists now in arms fight only for the King and establishment of the Protestant religion, as it was in Queen Elizabeth's days, against whom they plotted so many treasons, even for her very religion, and the powder-plot since, against King James and the whole Parliament; our blood shall rest upon our own heads, who would not take timely notice of our incumbent dangers, nor suddenly prevent them whiles we might.

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97 *The* EXAMINATION *of* HENRY MAYO.

Who saith, that on Thursday last, being the twentieth of July, one thousand six hundred forty-three, he being at Bruges in Flanders, heard proclamation made in Dutch, (who understands it very well,) 'That all people within that city, that would go to the Governor's house, and give any money to maintain the Roman Catholics in England, they should have their money repaid them again in a year's time, with many thanks.'

HENRY MAYO.

This examination was taken before us,

EDWARD BOYCE.
JOHN BOYCE.
GEORGE TROTTER.

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98 H. W.

I will conclude this first volume with three letters of the Archbishop; two of them wrote by him, while Chancellor of the University of Oxford, to his

Vice-Chancellor there, for discovering, preventing and punishing the practices of Romish emissaries[a], *who endeavoured to seduce the youth of that place; and the third to Sir Kenelm Digby, upon his return to the communion of the Church of Rome*[b]; *being so many authentic and undeniable arguments of the Archbishop's sincerity in the profession of, and zeal for the established religion of the Church of England. To which I will subjoin the testimonies of two worthy persons yet living, concerning the opinion had of the Archbishop at Rome, during his life; and with what joy they received the news of his death and sufferings.*

The testimony of the Reverend Mr. Jonathan Whiston, concerning the opinion had of the Archbishop at Rome; and with what joy the news of his death and suffering was there received. 61

I do remember, that being Chaplain to the Honourable Sir Lionel Tolmach, Baronet, about the year 1666, I heard him relate to some person of quality, how that in his younger days he was at Rome, and well acquainted with a certain Abbot; which Abbot asked him, Whether he had heard any news from England? He answered, No. The Abbot replied, I will tell you then some; Archbishop Laud is beheaded. Sir Lionel answered, You are sorry for that, I presume. The Abbot replied again, That they had more cause to rejoice, that the greatest enemy of the Church of Rome in England was cut off, and the greatest champion of the Church of England silenced; or in words to that purpose. In witness whereof I have hereunto set my hand this 28th day of September, 1694.

JONA. WHISTON, Vicar of Bethersden in Kent.

The testimony of the learned and worthy John Evelyn, Esq., Fellow of the Royal Society, concerning the same matter.

I was at Rome in the company of divers of the English Fathers, when the news of the Archbishop's sufferings, and a copy of his Sermon made upon the scaffold, came thither. They read the Sermon, and commented upon it with no small satisfaction and contempt; and looked upon him as one that was a great enemy to them, and stood in their way; whilst one of the blackest crimes imputed to him was his being popishly affected.

JOHN EVELYN.

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[a] [These letters are not here reprinted, as they are found in their proper place, in the Archbishop's History of his Chancellorship, Works, vol. v. pp. 180, 181, 215.]

[b] [This is inserted in its proper place among the collected letters in vol. vi.]